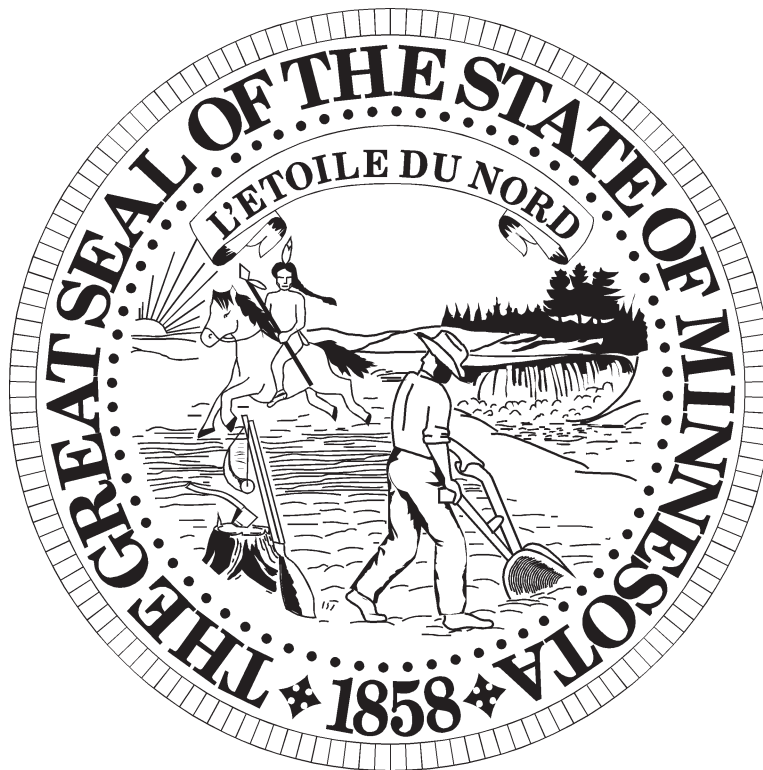


State of Minnesota

# State Register



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

- Proposed Rules
- Vetoed Rules
- Commissioners' Orders
- Contracts for Professional, Technical and Consulting Services
- Adopted Rules
- Executive Orders of the Governor
- Revenue Notices
- Exempt Rules
- Expedited Rules
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# 18	Monday 2 November	Noon Tuesday 27 October	Noon Wednesday 21 October
# 19	Monday 9 November	Noon Tuesday 3 November	Noon Wednesday 28 October
# 20	Monday 16 November	Noon Tuesday 10 November	Noon Wednesday 4 November

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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.

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# Proposed Rules

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

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

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

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

## Minnesota Department of Agriculture

### Agriculture Marketing Division

#### Proposed Permanent Rules Relating to Promotional Councils

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments To Rules Governing Promotional Councils, *Minnesota Rules*, 1570.0100; 1570.0200, subps. 1, 3, 11, and repeal of subp. 12; 1570.0500, subps. 4, 5 and 9; 1570.0600, subp. 3; 1570.0700, subp. 1; 1570.0800, subp. 1, 2, 4, 5 and 7; and 1570.0900, subps. 2-6.

**Introduction.** The Department of Agriculture intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until **November 25, 2009**.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 625 Robert St. N., St. Paul, MN 55155-2538; phone: (651) 201-6606; Fax: (651) 201-6118; E-mail: [carol.milligan@state.mn.us](mailto:carol.milligan@state.mn.us). TTD users may call the Minnesota Relay at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed amendments are about audits, elections and fee refund procedures of promotional councils. The statutory authority to adopt the rule amendments is *Minnesota Statutes*, section 17.58, subd. 4. A copy of the proposed rule amendments is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on **November 25, 2009** to submit written comment in support of or in opposition to the proposed amendments and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on November 25, 2009. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule amendments to which you object or state that you oppose the entire set of amendments. Any request that does not comply with these



# Proposed Rules

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requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule amendments.

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

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

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule amendments, including a description of who will be affected by the proposed amendments and an estimate of the probable cost of the proposed rules.

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

**Alternative Format.** Upon request, this Statement can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Carol Milligan at Minnesota Department of Agriculture, 625 Robert St. N., St. Paul, MN 55155-2538, **phone:** (651) 201-6606, and **fax:** (651) 201-6118. **TDD** users may call the Department of Agriculture at 1-800-627-3529.

Dated: October 9, 2009

Jim Boerboom, Deputy Commissioner  
Department of Agriculture

## 1570.0100 AUTHORITY AND PURPOSE.

This chapter is prescribed by the commissioner pursuant to *Minnesota Statutes*, sections 17.54, subdivision 4, 17.58, subdivision 4, and 17.63, to provide for the organization and meetings of commodity councils, to provide general ~~polling~~ voting procedures for elections ~~and referendums~~, and to provide for the administration of promotional orders.

## 1570.0200 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this chapter have the meanings given them, and the terms “agricultural commodity,” “~~commissioner,~~” “cooperative,” “council,” “first handler,” “first purchaser,” “marketing year,” “participating producer,” “~~person,~~” and “promotional order” have the meanings given them in *Minnesota Statutes*, section 17.53.

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

Subp. 3a. **Commissioner.** “Commissioner” means the commissioner of agriculture or the commissioner’s designee.

[For text of subs 4 to 10, see M.R.]

Subp. 11. **Producer certification.** “Producer certification” means a document qualified voters must sign which affirms that they are producers of the particular agricultural commodity for which ~~a referendum~~ an election is being held, that they meet the qualifications for a producer set forth in the promotional order, and that they are casting only one vote each in the election ~~or referendum~~.

Subp. 12. [See repealer.]

[For text of subs 13 and 14, see M.R.]

## 1570.0500 POWERS AND DUTIES OF THE COUNCIL.

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

Subp. 4. **Other actions.** The council shall take the actions listed in items A to ~~D~~ and B:

A. The council shall prepare an annual estimated budget for the operation of the promotional order and submit it to the commissioner within 30 days of the first day of the fiscal year unless the promotional order directs otherwise. Budgets may be revised during the fiscal year. If they are, the commissioner must be notified within 20 days of the revision. Minutes of the council meeting, documenting the changes and the reasons for them, shall constitute notification to the commissioner. Budgets or budget revisions may be prepared on forms provided by the commissioner or on similar forms.

B. The council shall consult with banks where funds are deposited regarding check signing procedures. No more than four authorized signatures of council members, the chief administrative officer, or council employees may be provided to the bank, two of which must appear on all checks except refund checks. Refund checks require only one signature, which may be any one of the four authorized.

C. ~~The council shall apply for tax exempt status for the council on forms provided by the commissioner. Upon receipt of the completed forms, the commissioner shall handle the request with appropriate federal agencies.~~

~~D. The council shall complete a financial statement at the close of each fiscal year on forms provided by the commissioner or similar forms.~~

Subp. 5. **Petty cash.** A council may establish a petty cash account after a favorable vote by a majority of the council members, provided that the use of these funds is consistent with the purposes of *Minnesota Statutes*, sections 17.51 to 17.69, and this chapter. The bond for the council and its staff must be sufficient to cover the amounts in any petty cash accounts created pursuant to this subpart.

[For text of subps 6 to 8, see M.R.]

#### Subp. 9. Audits.

A. For councils that gross less than \$150,000 annually, every third audit must be an audit of financial statements and a compliance audit.

B. For the other two years, a financial review must be conducted as prescribed by the most current edition of the Financial Accounting Standards Board's Current Text, which is incorporated by reference, subject to frequent change, and located at the State Law Library and on the Internet at <http://www.fasb.org/st/>.

### 1570.0600 COUNCIL MEETINGS.

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

Subp. 3. **Frequency and location of council and executive committee meetings.** The council shall meet at least four times annually in a location ~~which that~~ is reasonably accessible to all council members. Telephone and video conferencing ~~consultations~~ are permitted and may replace actual meetings. The executive committee shall meet as frequently as authorized by the council in a location ~~which that~~ is reasonably accessible to all executive committee members. Telephone ~~consultations~~ and video conferencing may be held in lieu of actual meetings.

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

### 1570.0700 ELECTIONS.

Subpart 1. **Election of the first council.** The procedures in items A to C must be followed in electing the first council:

A. Upon receipt of nominations for council offices, the commissioner shall promptly arrange for an election, designate polling places reasonably convenient for the producers of the particular agricultural commodity, and provide notice via press release of the election to all media having a general circulation in the organized area.

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

[For text of subps 2 to 4, see M.R.]

### 1570.0800 GENERAL POLLING PROCEDURES.

Subpart 1. **Qualified voters.** Participating producers who may vote in any election ~~or referendum~~ must meet all the conditions in subpart 2 and at least one of the conditions in subpart 3. All qualified voters or designated voters must sign the producer certification at the time they vote.

Subp. 2. **Conditions for all qualified voters.** The conditions in items A to ~~E~~ D apply to all qualified voters:

A. Persons, firms, universities, colleges, foundations, landlords, tenants, or fiduciaries may cast one vote only if they are eligible to file an Internal Revenue Service Form 1040 Schedule F and if they have shared in the profits and risk of loss from producing the particular agricultural commodity during the current or preceding marketing year.

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

# Proposed Rules

C. Absentee mail voting by ~~individual~~ qualified voters is ~~not~~ permitted. To receive an absentee ballot, a qualified voter must submit a ballot request card to the commissioner. The completed ballot and signed producer certification must be returned to the commissioner by United States mail and postmarked no later than midnight 20 days prior to the official election date. The commissioner must maintain a list of voters from whom absentee ballots have been received and shall provide a copy of the list to all voting sites prior to the start of the election. Mail balloting is permitted only in accordance with subpart 5.

D. No individual, landlord, tenant, partnership, association, cooperative, corporation, fiduciary, firm, university, college, or foundation may cast more than one vote per election ~~or referendum~~ even if operations are carried on in more than one organized area of the council.

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

Subp. 4. **Balloting at polling places.** The procedures in items A and B must be followed whenever ~~the commissioner determines that an election will be held at established polling places or a council determines that a referendum will be conducted at established polling places.~~

A. Election ~~and referendum~~ judges will be selected by the commissioner in consultation with the council. Judges must not indicate their opinions about the election ~~or referendum~~ on the day of the election ~~or referendum~~. Each polling place must have at least one judge. The judges are to do the following:

[For text of subitems (1) to (8), see M.R.]

(9) ~~tabulate the results of the vote and telephone the commissioner the same day with the results~~ contact the commissioner with the total number of completed ballots and assure that the proper chain of custody of the ballots is taken;

[For text of subitems (10) and (11), see M.R.]

B. The election ~~and referendum~~ judges shall return the following voting materials to the commissioner by first class mail: completed ballots, signed producer certifications, judges' oath forms, certification of election form, and any expense vouchers. The election judges handbook must be retained by the chief judge for 30 days after the election ~~or referendum~~ and then destroyed. Any unused ballots or producer certifications must also be destroyed.

Subp. 5. **Mail balloting.** For any election ~~or referendum~~ conducted by mail, the procedures in items A to E must be followed:

A. A council must make available ballot request cards and advertise the forthcoming board elections or referenda ~~starting no later than its annual meeting and continuing up to 40 days prior to the election or referendum~~ at least 90 days prior to the election. A list of eligible voters must be submitted by the council to the commissioner at least 45 days before the starting date of the election ~~or referendum~~. Ballot request cards and eligible voter lists submitted to the commissioner less than 45 days before the starting date of an election ~~or referendum~~ must not be included in the list of eligible voters for that election ~~or referendum~~, but those names must be added to the list for future elections ~~and referenda~~.

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

C. The length of time for the mail balloting shall be determined by the commissioner for each election ~~or referendum~~, but must not be less than 14 days and must not exceed 30 days.

D. If a participating producer of the agricultural commodity for which an election ~~or a referendum~~ is being conducted by mail has not received the voting materials listed in item B by the time half of the time period in item C has elapsed, the participating producer or the council may telephone, e-mail, or write the commissioner to request that the voting materials be mailed directly to the participating producer.

E. In order to be counted, mail ballots must be returned to the commissioner and must be postmarked on or before the closing date of the election ~~or referendum~~ set by the commissioner under item C.

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

Subp. 7. **Certification of election ~~or referendum~~.** The commissioner shall follow the procedures in items A to D in certifying an election ~~or referendum~~:

A. Before certifying an election ~~or referendum~~ conducted in accordance with subpart 4, the commissioner shall assure that:

(1) all materials required in subpart 4, item B, are returned to the commissioner;

(2) all completed ballots are initialed on the back by an election ~~or referendum~~ judge, and there is no more than one vote per question on the completed ballot;

[For text of subitems (3) to (5), see M.R.]

B. Before certifying an election ~~or referendum~~ conducted in accordance with subpart 5, the commissioner shall assure that:



- (1) returned ballots and producer certifications have been postmarked by the closing date set in subpart 5, item C;
- (2) there is no more than one vote per question on the ballot; and
- (3) the producer certifications are signed.

C. If any one of the criteria in item A, subitem (2), or ~~item B~~ are is not met, the commissioner shall declare the individual ballots invalid and shall not count them toward the outcome of the election ~~or referendum~~.

D. Ballots received may be counted mechanically or an impartial committee of at least three people appointed by the commissioner shall count the ballots received from the elections ~~or referendums~~ conducted under subpart 4 or 5.

## 1570.0900 ADMINISTRATION OF PROMOTIONAL ORDERS.

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

Subp. 2. **Hearings and referendum.** Before any referendum is conducted, the commissioner shall consult with the council and shall hold public hearings on the proposed promotional order in organized areas. Upon completion of the hearings, the commissioner and council shall determine whether the promotional order will be amended, modified, or supplemented. If a promotional order is substantially changed by this process, the commissioner shall hold further public hearings on the changed promotional order. Upon completion of these hearings, the commissioner shall conduct a referendum ~~in accordance with the procedures in part according to parts~~ 1570.0700, subpart 3, and part 1570.0800. The hearings in this ~~section part~~ are not subject to *Minnesota Statutes*, chapter 14.

Subp. 3. **Payment of check-off fees.** The procedures in items A to E must be used by the council in collecting the check-off fees from first purchasers or first handlers:

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

B. The council must determine the first handler or first purchaser for the agricultural commodity. First handlers or first purchasers are responsible for collecting from participating producers and remitting the check-off fee with the name and address of the producer, amount and date the check-off was deducted, and the processor or elevator ID number if applicable to the council by the date stated in the promotional order.

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

Subp. 4. **Refund of check-off fee.** The procedures in items A to ~~G~~ F must be followed ~~in refunding for those councils whose check-off fees are refundable~~:

A. Any participating producer wishing a refund of a check-off fee ~~may telephone or write to the commissioner or request in person a refund application form to fill out~~ must submit a refund application form.

B. ~~The participating producer must complete the refund application form and return the original and second copy, along with a proof of paid check-off fee, to the commissioner.~~

~~C.~~ B. Upon receipt of the completed refund application form ~~and the proof of paid check-off fee~~, the commissioner will verify that the information on the refund application form is valid ~~and will forward the original copy of the refund application form to the council~~. Requests for refunds must be received by the commissioner within the time prescribed in the promotional order for the particular agricultural commodity in order to be valid.

~~D.~~ C. The council may proceed to write a refund check only ~~if the refund application has been approved by the commissioner and if the check-off fee has been sent from the first purchaser or the first handler to the council. The council will retain the original copy of the refund application form and will forward the refund check to the commissioner.~~

~~E.~~ D. The ~~commissioner council~~ shall mail the refund check ~~and the proof of paid check-off fee~~ to the participating producer. The commissioner shall also return the participating producer's copy of the refund application form ~~if the participating producer did not retain it~~.

~~F.~~ E. Refunds will be made by the commissioner and the council within 30 days of the date of the commissioner's receipt of the refund application form except when the check-off fee ~~or the list of producers electing check-off~~ has not yet been received by the council. In those instances, the council shall write the first purchaser or first handler and request remittance of the check-off fee. When the council has received the check-off fee ~~and list of producers electing check-off~~, the council shall determine the amount of refund and send the refund check to the ~~commissioner producer~~. ~~Immediately upon receipt, the commissioner shall mail the refund check to the producer.~~

~~G.~~ F. Requests from participating producers for refunds will not be accepted more than 12 times per calendar year.

Subp. 5. **Procedures for noncompliance.** The procedures in items A to ~~E~~ D shall be followed by the council and commissioner in determining and acting upon noncompliance by first handlers or first purchasers whose check-off fee collection ~~or other information required under subpart 3, item B~~, is not current:

# Proposed Rules

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A. The council shall maintain a current noncompliance list as noted in part 1570.0500, subpart 6, item D, and shall use it to determine when a first handler or first purchaser has become delinquent in collecting and remitting check-off fees and the list of producers, based on the remittance period provided in the promotional order.

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

C. If no response is forthcoming after ~~three~~ two contacts have been made, the council may request that the commissioner write to the delinquent first handler or first purchaser and to the producer whose check-off fee is delayed. The council's request must be accompanied by the noncompliance list, a summary of the steps that have already been taken, and a statement of the length of the noncompliance period. The commissioner's letter must be certified.

~~D. At the request of the council, the commissioner may send a second letter to delinquent first handlers or first purchasers requesting compliance.~~

E. If there is still no response from the delinquent first handler or first purchaser after the steps in items A to ~~D~~ C have been taken, the council may engage legal counsel to pursue the matter.

Subp. 6. **Suspension or termination of a promotional order.** A promotional order for an agricultural commodity may be suspended or terminated pursuant to this subpart. Public hearings conducted by the commissioner prior to the suspension or termination of a promotional order will not be held pursuant to *Minnesota Statutes*, chapter 14. No suspension or termination of a promotional order shall take effect until the end of the current marketing year.

After consultation between the council and the commissioner, and after a public hearing and findings by the council that a promotional order is contrary to or does not effectuate the provisions of *Minnesota Statutes*, sections 17.51 to 17.69, or a finding that it is economically unfeasible to continue operating, the council may suspend or terminate a promotional order with the approval of a majority of the qualified voters who vote in the referendum.

Within 60 days of receipt of a petition from the same number of producers required to initiate a promotional order, which includes a statement that the signatures are those of participating producers, the commissioner shall conduct a referendum ~~in accordance with part according to parts~~ 1570.0700, subpart 3, and ~~part~~ 1570.0800. A majority vote of the qualified voters who vote in the referendum will suspend or terminate the promotional order.

"Suspension" means discontinuing the collection of check-off fees from first purchasers as required under *Minnesota Statutes*, section 17.59, and the meeting requirements under part 1570.0600 for one year. During the suspension, a commodity council must continue to honor all legal and contractual obligations, submit to the audit requirements under *Minnesota Statutes*, section 17.58, subdivision 5, and the corresponding rules, and meet no later than six months before the end of the marketing year to decide whether to terminate. If the council decides not to terminate pursuant to *Minnesota Statutes*, section 17.64, the council must hold elections for those council members whose terms expire during the suspension before the beginning of the next marketing year. All council duties and activities will resume beginning the next marketing year. The council is responsible for notifying first purchasers of the suspension, termination, or resuming of collecting of check-off fees. A commodity council shall only suspend for one year and must either terminate or resume activities within the following 12 months.

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

**REPEALER.** *Minnesota Rules*, part 1570.0200, subpart 12, is repealed.

# Adopted Rules

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

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

## Department of Commerce Adopted Permanent Rules Relating to Regulating Securities

The rules proposed and published at *State Register*, Volume 33, Number 29, pages 1241-1243, January 20, 2009 (33 SR 1241), are adopted with the following modifications:

### 2876.3020 FEDERAL COVERED SECURITIES; NOTICE FILINGS.

Subp. 2. **Section 18(b)(4)(D) securities.** With respect to a security that is a federal covered security under section 18(b)(4)(D) of the Securities Act of 1933, *United States Code*, title 15, section 77r(b)(4)(D), a notice filing by or on behalf of an issuer must be filed with the administrator, and the notice filing must contain:

A. a copy of Form D, ~~including the Appendix~~, as promulgated by the Securities and Exchange Commission;

B. a report of the aggregate value of securities included in this offering already sold or offered to be sold to persons located in this state;

~~B. C.~~ a consent to service of process complying with *Minnesota Statutes*, section 80A.88, signed by the issuer not later than 15 days after the first sale of the federal covered security in Minnesota; and

~~C. D.~~ a filing fee to be determined in accordance with *Minnesota Statutes*, section 80A.65, subdivision 1, paragraph (a).

### 2876.4050 NOTICE FILING REQUIREMENTS FOR FEDERAL COVERED INVESTMENT ADVISERS.

Subp. 2. **Form ADV Part II.** The administrator ~~may~~ shall either:

### 2876.4061 APPLICATION FOR INVESTMENT ADVISER REGISTRATION.

Subp. 2. **Form ADV Part II.** The administrator ~~may~~ shall either:

### 2876.4114 RECORDKEEPING REQUIREMENTS.

Subpart 1. **Books and records; investment advisers.** Every investment adviser registered or required to be registered under the Minnesota Securities Act, *Minnesota Statutes*, chapter 80A, shall make and keep true, accurate, and current the following books, ledgers, and records.

E. A file containing a copy of each document (other than any notices of general dissemination) that was filed with or received from any state or federal agency or self-regulatory organization and that pertains to the registrant or its investment adviser representatives ~~which file should contain, but is not limited to,~~ including all applications, amendments, renewal filings, and correspondence.

### 2876.4116 CUSTODY REQUIREMENTS FOR INVESTMENT ADVISERS.

Subpart 1. **Safekeeping required.** It is unlawful and deemed to be a fraudulent, deceptive, or manipulative act, practice, or course of business for an investment adviser to have custody of client funds or securities unless:

A. The investment adviser notifies the administrator promptly in writing that the investment adviser has or ~~may~~ is authorized to have custody of client funds or securities. The notification is required to be given on Form ADV.

F. An investment adviser who has custody as defined in subpart 3, item A, subitem (1), unit (b), by having fees directly deducted from client accounts must also provide the following safeguards:

(3) the investment adviser must notify the administrator in writing that the investment adviser intends to use the safeguards provided above. Notification is required to be given on Form ADV; ~~and/or~~ and

G. An investment adviser who has custody as defined in subpart 3, item A, subitem (1), unit (c), and who does not meet the exception provided under subpart 2, item C, must, in addition to the safeguards in items A to E, also comply with the following:

(4) the investment adviser notifies the administrator in writing on Form ADV that the investment adviser intends to use the safeguards provided in subitems (1) and (2); ~~and/or~~ and

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H. When a trust retains an investment adviser or employee, director, or owner of an investment adviser as trustee and the investment adviser acts as the investment adviser to that trust, the investment adviser will:

(2) send to the grantor of the trust, the attorney for the trust if it is a testamentary trust, the cotrustee (other than the investment adviser or employee, director, or owner of the investment adviser); or a defined beneficiary of the trust, at the same time that it sends any invoice to the qualified custodian, an invoice showing the amount of the trustees' fee or investment management or advisory fee, the value of the assets on which the fees were based, and the specific manner in which the fees were calculated;

(3) enter into a written agreement with a qualified custodian that specifies:

(a) that the qualified custodian will not deliver trust securities to the investment adviser or employee, director, or owner of the investment adviser, nor will transmit any funds to the investment adviser or employee, director, or owner of the investment adviser, except that the qualified custodian may pay trustees' fees to the trustee and investment management or advisory fees to the investment adviser, provided that:

iii. the qualified custodian agrees to send to the grantor of the trust, the attorneys for a testamentary trust, the cotrustee (other than the investment adviser or employee, director, or owner of the investment adviser), or a defined beneficiary of the trust, at least quarterly, a statement of all disbursements from the account of the trust, including the amount of investment management fees paid to the investment adviser and the amount of trustees' fees paid to the trustee; ~~and/or~~ and

(b) except as otherwise set forth in subunit i, that the qualified custodian may transfer funds or securities, or both, of the trust only upon the direction of the trustee, who may be the investment adviser or employee, director, or owner of the investment adviser, who the investment adviser has duly accepted as an authorized signatory. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the cotrustee (other than the investment adviser or employee, director, or owner of the investment adviser), or a defined beneficiary of the trust must designate the authorized signatory for management of the trust. The direction to transfer funds or securities, or both, can only be made to the following:

v. a broker-dealer in the normal course of portfolio purchases and sales, provided that the transfer is made on payment against delivery basis or payment against trust receipt; ~~and/or~~ and

Subp. 3. **Definitions.** For purposes of this ~~subpart~~ part, the following terms have the meanings given them.

## 2876.4117 INVESTMENT ADVISER BROCHURE RULE.

Subpart 1. **General requirements.** Unless otherwise provided in this part, an investment adviser, registered or required to be registered pursuant to *Minnesota Statutes*, section 80A.58, shall, in accordance with the provisions of this part, furnish each advisory client and prospective advisory client with a written disclosure statement which may be a copy of Part II of its Form ADV or written documents containing at least the information required by Part II of Form ADV, or such other information as the administrator may require to carry out the public interest according to *Minnesota Statutes*, section 80A.85 (b).

## 2876.4120 EXAMINATION REQUIREMENTS.

Subp. 2. **Required experience.** No person shall be registered as an investment adviser or a broker-dealer unless at least one person employed full time in a supervisory capacity, by the applicant for a license, was actively engaged in the securities business in a similar supervisory capacity for a minimum of three of the preceding five years; ~~or has substantially equivalent experience, satisfactory to the administrator.~~

Subp. 6. **Prior liquidated firm.** No person shall be registered as an investment adviser or a broker-dealer if any employee of the person was an officer, supervisor, or owner of ten percent or more of the securities of any firm liquidated under the Securities Investor Protection Act of 1970, unless good cause, ~~satisfactory to the commissioner,~~ be shown that the issuance of the license would be in the public interest according to *Minnesota Statutes*, section 80A.85 (b).

## 2876.5022 CONTENTS OF AN INVESTMENT ADVISORY CONTRACT.

Subp. 2. **Writing requirements.** It is unlawful for any investment adviser ~~or federal covered investment adviser~~ to enter into, extend, or renew any investment advisory contract unless it provides in writing:

Subp. 6. **Definitions.** The following definitions apply for purposes of this part.

B. "Assignment," as used in subpart 2, item B, includes, ~~but is not limited to,~~ any transaction or event that results in any change to the individuals or entities with the power, directly or indirectly, to direct the management or policies of, or to vote more than 50 percent of any class of voting securities of, the investment adviser as compared to the individuals or entities who had such power as of the date when the contract was first entered into, extended, or renewed.

## **2876.5023 PROHIBITED CONDUCT IN PROVIDING INVESTMENT ADVICE.**

Subpart 1. **Fiduciary duty.** A person who is an investment adviser or a federal covered investment adviser is a fiduciary and has a duty to act primarily for the benefit of its clients. This part applies to federal covered investment advisers to the extent permitted by the National Securities Markets Improvement Act of 1996. While the extent and nature of this duty varies according to the nature of the relationship between an investment adviser or a federal covered investment adviser and its clients and the circumstances of each case, an investment adviser or a federal covered investment adviser shall not engage in prohibited fraudulent, deceptive, or manipulative conduct, including ~~but not limited to~~ the following:

K. failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment adviser, or any of its employees, or affiliated persons which could reasonably be expected to impair the rendering of unbiased and objective advice including ~~but not limited to~~:

## **2876.5024 REGULATION OF BUSINESS OF FINANCIAL PLANNING.**

Subp. 2. **Generally.** The provisions of this part apply to federal covered investment advisers to the extent permitted by the National Securities Markets Improvement Act of 1996, Public Law 104-290.

~~Subp. 2. 3.~~**Prohibition.** It is a fraudulent act, practice, and course of business within the meaning of *Minnesota Statutes*, section 80A.68, for any person registered or required to be registered under the Minnesota Securities Act, *Minnesota Statutes*, chapter 80A, to represent on advertisements, cards, signs, circulars, letterheads, or in any other manner, that the person is engaged in the business of financial planning unless the person provides a disclosure document to the client. A copy of the disclosure document must be delivered or mailed to the client when an account is opened. A licensed broker-dealer is authorized to mail the disclosure document on behalf of its agents. A record of the disclosure must be maintained for a period of three years. The disclosure document must contain the following:

~~Subp. 3. 4.~~**Exemption.** The disclosure document need not be provided to a client who meets the requirements in *Minnesota Statutes*, section 80A.46, clause (13).

## **2876.5025 PROHIBITED USES OF SENIOR-SPECIFIC CERTIFICATIONS AND PROFESSIONAL DESIGNATIONS.**

Subpart 1. **Generally.** The provisions of this part apply to federal covered investment advisers to the extent permitted by the National Securities Markets Improvement Act of 1996, Public Law 104-290.

~~Subpart 1. Subp. 2.~~ **Prohibited uses of senior-specific certifications and professional designations.**

B. The prohibited use of senior-specific certifications or professional designations includes, ~~but is not limited to~~, the following:

~~Subp. 2. 3.~~ **Regulated certifications and professional designations.**

C. For purposes of this part, unless used in a manner that would mislead or confuse a reasonable consumer, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when the job title:

(2) specifies an individual's area of specialization within the organization.

For purposes of item C, financial services regulatory agency includes, ~~but is not limited to~~, an agency that regulates insurers, insurance producers, broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940.

## **Board of Teaching**

### **Adopted Permanent Rules Relating to Teacher and Professional Staff Licensure**

The rules proposed and published at *State Register*, Volume 33, Number 37, pages 1565-1567, March 16, 2009 (33 SR 1565), are adopted with the following modifications:

#### **8710.3000 TEACHERS OF EARLY CHILDHOOD EDUCATION.**

Subp. 3. **Subject matter standard.** A candidate for licensure as a teacher of early childhood education must complete a preparation program under subpart 2, item C, that must include the demonstration of the knowledge and skills in items A to M.

E. A teacher of young children in the primary grades must have knowledge of the foundations of reading processes, development, and instruction, including:

(Cite 34 SR 595)



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(7) ~~content area~~ content-area literacy, including:

F. A teacher of young children in the primary grades must have knowledge of and ability to use a wide range of instructional practices, approaches, methods, and curriculum materials to support reading instruction, including:

(1) appropriate, motivating instruction, both explicit and implicit, in:

(a) oral language development;

~~(2)~~

~~(b) appropriate, motivating instruction, both explicit and implicit, in auditory awareness, discrimination of sounds, phonemic awareness, and word awareness;~~

~~(3) selection, design, and use of engaging instructional strategies, activities, and materials, including multisensory techniques, to ensure that students learn concepts about print, including how to recognize and write letters;~~

~~(4)~~

~~(c) appropriate, motivating instruction, both explicit and implicit, in the teaching of phonics, sight words, spelling, and fluency, including the selection, design, and use of instructional programs, materials, texts, and activities; and~~

~~(d) applying a variety of reading comprehension strategies to different types of informational materials and content-area texts including teaching the structures and features of expository texts;~~

~~(2) selection, design, and use of appropriate and engaging instructional strategies, activities, and materials, including:~~

~~(a) multisensory techniques to ensure that students learn concepts about print including how to recognize and write letters;~~

~~(5)~~

~~(b) selection, design, and use of appropriate and engaging instructional materials to teach teaching vocabulary using a range of instructional activities to extend students' understanding of words;~~

~~(6)~~

~~(c) selection, design, and use and appropriate and motivating instruction, both explicit and implicit, in the teaching of comprehension skills and strategies, including opportunities for guided and independent work;~~

~~(7) appropriate, motivating instruction, both explicit and implicit, in applying a variety of reading comprehension strategies to different types of informational materials and content-area texts, including teaching the structures and features of expository texts;~~

~~(8) (3) selection and appropriate use of a wide range of engaging texts representing various genres and cultures when designing reading lessons; the ability to facilitate and develop students' responses to literature and critical reading abilities through high level, interactive discussions about texts;~~

~~(9) (4) selection and appropriate explicit instruction and guided practice to teach written-language structures using a range of approaches and activities to develop the students' facility to comprehend and use academic language;~~

~~(10) (5) development of a literacy framework to coherently organize reading programs and effectively implement lessons, including a variety of grouping strategies, guided practice, and independent work; and~~

~~(11) (6) the ability to design purposeful lessons and tasks based on the qualities, structures, and difficulty of texts and the reading needs of individual students, including the selection and use of supplementary materials to support the reading development of struggling and gifted readers.~~

G. A teacher of young children in the primary grades must have knowledge of and ability to use a variety of assessment tools and practices to plan and evaluate effective reading instruction, including:

(1) formal and informal tools to assess students':

(a) oral and written language development;

~~(2)~~

~~(b) formal and informal tools to assess auditory awareness, discrimination of sounds, and phonological and phonemic awareness;~~

~~(3)~~

(c) formal and informal tools to assess understanding of concepts about print and the alphabetic principle;

~~(4)~~

~~(d) formal and informal tools to assess knowledge of and skills in applying phonics and other word identification strategies, spelling strategies, and fluency;~~

~~(5)~~

(e) formal and informal tools to assess vocabulary knowledge in relation to specific reading needs and texts;

~~(6)~~

~~(f) formal and informal tools to assess comprehension of narrative and expository texts and the use of comprehension strategies, including determining independent, instructional, and frustration reading levels;~~

~~(7)~~

(g) formal and informal tools to assess comprehension in content-area reading;

(8)

~~(h) formal and informal tools to assess the ability to evaluate and respond to a range of literature and analyze text structures and elements; and~~

(9)

~~(i) formal and informal tools to assess oral and written language to determine the understanding and use of English language structures and conventions;~~

~~(10) (2) formal and informal tools to:~~

~~(a) plan, evaluate, and differentiate instruction to meet the needs of students from various cognitive, linguistic, and cultural backgrounds; and~~

(11)

~~(b) formal and informal tools to design and implement appropriate classroom interventions for struggling readers and enrichment programs for gifted readers;~~

~~(12) (3) the ability to work with reading specialists, gifted and talented specialists, and other staff on advanced intervention and enrichment programs;~~

~~(13) (4) the ability to communicate results of assessments to specific individuals in accurate and coherent ways that indicate how the results might impact student achievement;~~

~~(14) (5) the ability to administer selected assessments and analyze and use data to plan instruction through a structured clinical experience linked to university reading course work; and~~

~~(15) (6) the ability to understand the appropriate uses of each kind of assessment and the concepts of validity and reliability.~~

## **8710.3200 TEACHERS OF ELEMENTARY EDUCATION.**

Subp. 3. **Subject matter standards, elementary education.** A candidate must complete a preparation program for licensure under subpart 2, item C, that must include the candidate's demonstration of the knowledge and skills in items A to L.

C. A teacher of young children in the primary grades kindergarten through grade 6 must have knowledge of the foundations of reading processes, development, and instruction, including:

D. A candidate for licensure as a teacher of elementary education children in kindergarten through grade 6 must have knowledge of and ability to use a wide range of instructional practices, approaches, methods, and curriculum materials to support reading instruction, including:

(1) appropriate, motivating instruction, both explicit and implicit, in:

~~(a) oral language development;~~

(2)

~~(b) appropriate, motivating instruction, both explicit and implicit, in auditory awareness, discrimination of sounds, phonemic awareness, and word awareness;~~

~~(3) selection, design, and use of engaging instructional strategies, activities, and materials, including multisensory techniques, to ensure that students learn concepts about print, including how to recognize and write letters;~~

(4)

~~(c) appropriate, motivating instruction, both explicit and implicit, in the teaching of phonics, sight words, spelling, and fluency, including the selection, design, and use of instructional programs, materials, texts, and activities; and~~

~~(d) applying a variety of reading comprehension strategies to different types of informational materials and content-area texts including teaching the structures and features of expository texts;~~

~~(2) selection, design, and use of appropriate and engaging instructional strategies, activities, and materials, including:~~

~~(a) multisensory techniques to ensure that students learn concepts about print including how to recognize and write letters;~~

(5)

~~(b) selection, design, and use of appropriate and engaging instructional materials to teach teaching vocabulary; using a range of instructional activities to extend students' understanding of words; and~~

(6)

~~(c) selection, design, and use of appropriate and motivating instruction, both explicit and implicit, in the teaching of comprehension skills and strategies, including opportunities for guided and independent work;~~

~~(7) appropriate, motivating instruction, both explicit and implicit, in applying a variety of reading comprehension strategies to different types of informational materials and content-area texts, including teaching the structures and features of expository texts;~~

~~(8) (3) selection and appropriate use of a wide range of engaging texts representing various genres and cultures when designing reading lessons; the ability to facilitate and develop students' responses to literature and critical reading abilities through high level, interactive discussions about texts;~~

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~~(9)~~(4) selection and appropriate explicit instruction and guided practice to teach written-language structures using a range of approaches and activities to develop students' facility in comprehending and using academic language;

~~(10)~~(5) development of a literacy framework to coherently organize reading programs and effectively implement lessons, including a variety of grouping strategies, guided practice, and independent work; and

~~(11)~~(6) the ability to design purposeful lessons and tasks based on the qualities, structures, and difficulty of texts and the reading needs of individuals, including the selection and use of supplementary materials to support the reading development of struggling and gifted readers.

E. A ~~candidate for licensure as a teacher of elementary education~~ children in kindergarten through grade 6 must have knowledge of and ability to use a variety of assessment tools and practices to plan and evaluate effective reading instruction, including:

(1) formal and informal tools to assess students':

~~(a)~~ oral and written language development;

~~(2)~~

~~(b)~~ formal and informal tools to assess auditory awareness, discrimination of sounds, and phonological and phonemic awareness;

~~(3)~~

~~(c)~~ formal and informal tools to assess understanding of concepts about print and the alphabetic principle;

~~(4)~~

~~(d)~~ formal and informal tools to assess knowledge of and skills in applying phonics and other word identification strategies, spelling strategies, and fluency;

~~(5)~~

~~(e)~~ formal and informal tools to assess vocabulary knowledge in relation to specific reading needs and texts;

~~(6)~~

~~(f)~~ formal and informal tools to assess comprehension of narrative and expository texts and the use of comprehension strategies, including determining independent, instructional, and frustration reading levels;

~~(7)~~

~~(g)~~ formal and informal tools to assess comprehension in content area reading;

~~(8)~~

~~(h)~~ formal and informal tools to assess the ability to evaluate and respond to a range of literature and analyze text structures and elements and

~~(9)~~

~~(i)~~ formal and informal tools to assess oral and written language to determine understanding and use of English language structures and conventions;

~~(10)~~(2) formal and informal tools to:

~~(a)~~ plan, evaluate, and differentiate instruction to meet the needs of students from various cognitive, linguistic, and cultural backgrounds; and

~~(11)~~

~~(b)~~ formal and informal tools to design and implement appropriate classroom interventions for struggling readers and enrichment programs for gifted readers;

~~(12)~~(3) the ability to work with reading specialists, gifted and talented specialists, and other staff on advanced intervention and enrichment programs;

~~(13)~~(4) the ability to communicate results of assessments to specific individuals in accurate and coherent ways that indicate how the results might impact student achievement;

~~(14)~~(5) the ability to administer selected assessments and analyze and use data to plan instruction through a structured clinical experience linked to university reading course work; and

~~(15)~~(6) the ability to understand the appropriate uses of each kind of assessment and the concepts of validity and reliability.

F. A ~~candidate for licensure as a teacher of elementary education~~ children in kindergarten through grade 6 must have the ability to create a literate and motivating environment that fosters reading by integrating foundational knowledge, use of instructional practices, approaches and methods, curriculum materials, and the appropriate use of assessments, including:

G. A ~~candidate for licensure as a teacher of elementary education~~ children in kindergarten through grade 6 must demonstrate a view of professional development as a career-long effort and responsibility. The candidate must:

Subp. 6. **Effective date.** The requirements of this part for licensure as a teacher of elementary education ~~with a specialty~~ are effective on September 1, 2010, and thereafter.

## **8710.3310 MIDDLE LEVEL ENDORSEMENT LICENSE FOR TEACHERS OF COMMUNICATION ARTS AND LITERATURE.**

Subp. 3. **Subject matter standards.** A candidate for licensure as a middle level teacher of communication arts and literature must complete a preparation program under subpart 2, items B and C, that includes the candidate's demonstration of the knowledge and skills in items A to D.

D. A teacher with a middle level endorsement for teaching communication arts and literature in grades 5 through 8 must demonstrate understanding and skills essential to the teaching and learning of reading, writing, speaking, listening, media literacy, and literature. The teacher must demonstrate the:

(1) knowledge of reading processes and instruction, including:

(c) the importance of direct and indirect vocabulary instruction that leads to enhanced general and ~~domain-specific~~ domain-specific word knowledge;

## **8710.3350 PREPRIMARY ENDORSEMENT LICENSE.**

Subpart 1. **Scope of practice.** A teacher with a preprimary endorsement license is authorized to teach preprimary students ~~ages age~~ ages age three through ~~five~~ prekindergarten.

Subp. 3. **Subject matter standards.** A teacher of preprimary education valid for teaching preprimary students ~~ages age~~ ages age three through ~~five~~ prekindergarten must meet the standards in part 8710.3000, subpart 3, items A (preprimary only), C, ~~E~~ J, ~~F~~ K, ~~G~~ L, and ~~H~~ M (preprimary only).

Subp. 5. **Effective date.** The requirements of this part for licensure as a teacher of preprimary education for ~~ages age~~ ages age three through ~~five~~ prekindergarten are effective on September 1, 2010, and thereafter.

## **8710.4500 TEACHERS OF HEALTH.**

Subp. 5. **Effective date.** The requirements in this part for licensure as a teacher of health are effective on September 1, ~~2001~~ 2010, and thereafter.

## **8710.4525 TEACHERS OF COMPUTER, KEYBOARDING, AND RELATED TECHNOLOGY APPLICATIONS.**

Subpart 1. **Scope of practice.** A teacher of computer, keyboarding, and related technology applications is authorized to provide to students in grades kindergarten through 12 instruction that is designed to teach computer applications, including general productivity applications, graphics, imaging, multimedia, video and animation, audio, and digital communications including, but not limited to, the Internet and electronic communications and computer keyboarding. This teacher is authorized to lead, collaborate, and consult with other classroom teachers for the purpose of integrating technology learning into content area curriculum. Nothing in this part prevents a teacher of elementary education from teaching keyboarding to the teacher's own classroom, nor any teacher from teaching computer applications and integrating technology into the teacher's curriculum, or a teacher of business education from teaching keyboarding and computer applications at the grade levels for which the teacher is licensed as a teacher of business education.

Subp. 2. **Licensure requirements.** A candidate for licensure endorsement to teach computer, keyboarding, and related technology applications to students in grades kindergarten through 12 shall hold or qualify for a valid Minnesota classroom teaching license and must have successfully completed a Board of Teaching preparation program approved under part 8700.7600 leading to the licensure endorsement as a teacher of computer, keyboarding, and related technology applications under this part. A teacher of computer, keyboarding, and related technology applications is limited to teaching in the scope of the teacher's base license.

## 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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All Official Notices, including the current volume as it grows, are indexed. Only subscribers can view this current index. Open the *State Register* and click on the Bookmarks icon in the upper left corner. You will see the growing index, and have fast access to all the online indices to the *State Register*. You also receive a summarized “Contracts & Grants” section showing bids and grants still open. Subscribe today. Subscriptions cost \$180 a year (an \$80 savings). Here’s what you’ll get:

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## Minnesota Gambling Control Board Request for Comments on Possible Amendments to and Repeal of Rules Governing Lawful Gambling, *Minnesota Rules*, parts 7861 to 7865

**Subject of Rules.** The Minnesota Gambling Control Board requests comments on its possible amendments to rules governing lawful gambling and repeal of obsolete rules governing lawful gambling, based on statutory changes in *Minnesota Statutes* section 349 that occurred in 2007, 2008, and 2009. The Board is considering repealing and clarifying rules language pertaining to organization and gambling manager license renewals and premises permit renewals; allowable expenses; and lawful purpose expenditures. Also included in the rule process will be changes to remove inconsistencies and eliminate any language that is duplicative of statute, determined to be obsolete or no longer necessary, and other concerns that may come up that the Board decides to address as time allows.

**Persons Affected.** The amendments to and repeal of the rules would likely affect nonprofit organizations authorized to conduct lawful gambling, distributors of lawful gambling equipment, linked bingo game providers, and manufacturers of gambling equipment. Local units of government would most likely not be affected as ordinance mandates are contained in *Minnesota Statutes*, section 349.213 and are not addressed in the Board’s rules.

**Statutory Authority.** *Minnesota Statutes*, section 349.151, subdivision 4(a)(5) authorizes the Board to make rules authorized by Chapter 349; *Minnesota Statutes*, section 349.151, subdivision 4(a)(20) authorizes the Board to take all necessary steps to insure the integrity of and public confidence in lawful gambling; and *Minnesota Statutes*, section 349.151, subdivision 13 authorizes the Board to adopt rules when necessary or proper in discharging the Board’s powers and duties.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board does plan to appoint an advisory committee to comment on the possible rules. If you wish to be considered as a participant in the Public Advisory Committee (PAC) for this rules process, notify the agency contact person listed below. The PAC meetings will be conducted at the Board’s office at 1711 West County Road B, Suite 300 South, Roseville, Minnesota 55113. It is anticipated that the meetings will be conducted once a



month or as otherwise deemed necessary by the Director.

**Rules Drafts.** The Board has not yet prepared a draft of the possible rules amendments and repeals to *Minnesota Rules, parts 7861 to 7865*. The draft, when prepared, will be available through the Board's web site at [www.gcb.state.mn.us](http://www.gcb.state.mn.us) or by contacting the agency's contact person listed below.

**Agency Contact Person.** Written comments, questions, requests to receive a rules draft when prepared, and requests for information on these possible rules should be directed to: Bernice Caruth, Gambling Control Board, 1711 West County Road B, Suite 300 South, Roseville, Minnesota 55113, **phone:** (651) 639-4030, **FAX:** (651) 639-4032, or **e-mail:** [bernice.caruth@gcb.state.mn.us](mailto:bernice.caruth@gcb.state.mn.us). TTY users may call the Board at (651) 639-4030.

**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 submit comments during the development of the rules and want to ensure that the Administrative Law Judge reviews the comments, resubmit the comments after the rules are formally proposed.

Dated: October 26, 2009

Tom Barrett, Executive Director  
Minnesota Gambling Control Board

## Minnesota Housing Finance Agency Notice of Hearing on Bond Issues for Qualified Mortgage Bonds for \$500,000,000

**NOTICE IS HEREBY GIVEN** that the Minnesota Housing Finance Agency (the "Agency") will hold a public hearing at 10:00 a.m. on Thursday, November 12, 2009 at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purposes of taking public testimony regarding the issuance of qualified mortgage bonds, comprising one or more series, in an aggregate principal amount not exceeding \$500,000,000.

The bonds will be issued as qualified mortgage bonds subject to the mortgage eligibility requirements of Section 143 of the Internal Revenue Code of 1986, as amended, and, after payment of expenses and funding of reserves, will provide approximately \$490,000,000 of mortgage loans to certain low and moderate income, first-time homebuyers of single family owner-occupied residences located throughout the State of Minnesota, which homebuyers qualify under the Agency's single family mortgage program and applicable federal tax law. The Agency's single family mortgage program is further described in the MHFA Mortgage Program Procedural Manual, a copy of which may be obtained from the Agency. Said bonds may be issued either as refunding bonds to refund certain outstanding bonds of the Agency or as "new money" bonds using a portion of the Agency's state bond volume allocation, and may be issued either as short-term bonds, subject to refunding or remarketing at a subsequent date on a long-term, fixed or variable rate basis, or as long-term, fixed or variable rate bonds on original issuance. The bonds covered by this hearing notice, up to an aggregate principal amount not exceeding \$500,000,000, are anticipated to be issued periodically to fund the Program during the calendar years 2009 and 2010, until fully utilized.

Parties wishing to comment on the financing program may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing, which comments will be considered at the hearing. Parties desiring additional information should contact Ms. Sharon Bjostad of the Agency at: (651) 282-2577.

Dan Bartholomay, Commissioner  
Minnesota Housing Finance Agency

# 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.

## More Grants

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of ALL the current rules, a growing INDEX, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

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## Minnesota Department of Human Services

### Child Safety and Permanency Division

#### Notice of Request for Proposals to Provide Post Adoption Support Services to Minnesota Adopted Children, Youth and Adults, and Adoptive Parents

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to provide post adoption support services, including the formation of parent support groups to Minnesota families who have adopted children, especially families who adopted children under state guardianship.

The adoption incentive program was reauthorized through the Fostering Connections to Success and Increasing Adoptions Act of 2008. Through this act, states receive financial incentives for increasing the number of foster children adopted. The 2009 Minnesota Session Law, Chapter 179, article 2, section 1 requires that federal funds available during fiscal years 2010 and 2011 for adoption incentive grants are to be used for post adoption services, including parent support groups.

Work is proposed to start in January 2010. For more information, contact:

Department of Human Services  
Attention: Jean Thompson  
Child Safety and Permanency Division  
P.O. Box 64943  
444 Lafayette Road North  
St. Paul, MN 55164-0943  
**Phone:** (651) 431-3856  
**E-mail:** [jean.thompson@state.mn.us](mailto:jean.thompson@state.mn.us)

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, November 20, 2009. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

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## State Grants & Loans

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

[http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102)

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.

### 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](http://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 day

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# State Contracts

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## Minnesota Department of Administration (Admin) Minnesota Multistate Contracting Alliance for Pharmacy Request for Proposals from Distributors for Influenza Vaccine

The Minnesota Multistate Contracting Alliance for Pharmacy (“MMCAP” [www.mmcap.org](http://www.mmcap.org)) is requesting proposals from distributors interested in supplying INFLUENZA VACCINE to MMCAP Facilities.

MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for influenza vaccine. MMCAP is currently made up of 44 participating states and approximately 3,500 participating facilities purchasing approximately 4 million doses of vaccine per year.

To request a copy of the RFP, send an e-mail to: [mn.multistate@state.mn.us](mailto:mn.multistate@state.mn.us) Or write to:

Influenza Vaccine RFP Request  
MMCAP  
c/o Minnesota Department of Administration  
50 Sherburne Avenue, Suite 112  
St. Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this notice must be received at the address above no later than 2:00 pm, November 24, 2009.

Late proposals will not be considered.

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

## Minnesota Department of Administration (Admin) Real Estate & Construction Services Notice of Request for Qualifications (RFQ) for Construction Manager at Risk for 100 Bed Nursing Care Building at Minnesota Veterans Home, Minneapolis, MN

**NOTICE IS HEREBY GIVEN** that the Department of Administration, Real Estate and Construction Services (“State”) has issued a request for qualifications to evaluate and select a Construction Manager at Risk for the 100 Bed Nursing Care Building at the Minnesota Veterans Home-Minneapolis in accordance with *Minnesota Statute* 16C.34. The scope of this project includes construction of a new 4 story 100-bed nursing care building on the Minnesota Veterans Home, Minneapolis Campus.

The tasks and scope of services required for the project are defined and included in the Request for Qualifications (RFQ) located at [www.admin.state.mn.us/recs](http://www.admin.state.mn.us/recs) (Click on “Construction Services” and “Solicitations and Announcements”). To be considered for selection and a Contract, responses must be submitted by the date and time indicated in the RFQ. Copies of the RFQ may also be requested from:

Contracts Coordinator  
Real Estate and Construction Services  
309 Administration Building, 50 Sherburne Avenue  
St. Paul, MN 55155-1625

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFQ is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of the RFQ if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

**Minnesota State Colleges and Universities (MnSCU)****Office of the Chancellor****Notice of Availability of Request for Proposal (RFP) for Consultant Services for Design of Eight Roof Replacement Projects for the Office of the Chancellor**

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of the Office of the Chancellor, is soliciting proposals for experienced roof consulting services for the design of roof replacement systems and inspection/testing services for five roofs at various campuses throughout the state. The consultant team will be responsible for complete roof replacement design, including any electrical/mechanical work, masonry, window replacement, and/or asbestos testing and removal, as necessary.

A full Request for Proposals (RFP) is available on the Minnesota State Colleges Universities website, <http://www.finance.mnscu.edu/facilities/index.html>, click on "Announcements".

An informational meeting is scheduled for **10:00 A.M., Thursday, October 29, 2009 in Conference Room 3309** at Wells Fargo Place, 30 7th Street East, Suite 350, St. Paul, MN 55101-7804. All firms interested in this meeting should contact Jim Morgan at 651-296-3823 or [James.morgan@csu.mnscu.edu](mailto:James.morgan@csu.mnscu.edu) to sign up for the meeting. Project questions will also be taken by this individual.

Proposals must be delivered to James P. Morgan, Program Manager, Office of the Chancellor, Wells Fargo Place, 30 7th Street East, Suite 350, St. Paul, MN 55101-7804, not later than **2:00 PM, Monday, November 9, 2009**. Late responses will not be considered.

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

**Minnesota State Colleges and Universities (MnSCU)****Metro State University****Minneapolis Community and Technical College****Advertisement for Bids for Law Enforcement/Criminal Justice Education Center**

**Sealed Bids for:** Metro State University and Minneapolis Community and Technical College  
Law Enforcement/Criminal Justice Education Center  
9110 Brooklyn Boulevard  
Brooklyn Park, Minnesota 55445

**will be received by:** Mr. Dave Peasley  
Founders Hall, Room 329  
Metropolitan State University  
St Paul, MN 55106-5000

Until 2:00 PM, local time, November 12, 2009 at which time the bids will be opened and publicly read aloud.

**Project Scope:** Technology package for the new 67,154 sq. ft., two story Law Enforcement/Criminal Justice Education Center building on the Hennepin Technical College's Brooklyn Park Campus which includes offices, classrooms, and tactical training areas.

**A Pre-Bid Meeting** will be held at 9:00 AM, November 5, 2009, in Room D150, Hennepin Technical College's Brooklyn Park Campus. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

**Bidding Documents** as prepared by the Project Architect/Engineer: BKV Group, are on file at the offices of the above named Project  
(Cite 34 SR 605) *Minnesota State Register, Monday 26 October 2009* **Page 605**



# State Contracts

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Architect/Engineer and the following Builders' Exchanges and Plan Rooms:

- 1) Minneapolis Builders Exchange, Minneapolis, MN;
- 2) St. Paul Builders Exchange, St. Paul, MN;
- 3) McGraw Hill - Dodge Plan Room, Minneapolis, MN;
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors/AGC of MN Plan Room, Brooklyn Center, MN.
- 6) National Association of Minority Contractors of Upper Midwest

Bidding documents will be available on October 27, 2009.

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

CAD/Engineering Supply  
Contact: Don Wold  
6901 E. Fish Lake Road  
Suite #150  
Maple Grove, MN 554369  
1-800-831-8587  
**Phone:** (763) 315- 8711  
**E-mail:** *Don.wold@cesmn.com*

A deposit of \$50.00 is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for \$30.00 per set for shipping & handling (in addition to the \$50.00 deposit) to the Architect. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

## **Minnesota State Colleges and Universities (MnSCU) North East Leadership Council Request for Proposal for Training and Consultant Services for a Regional LEAN in Education Project**

### **Section I. General Information**

#### **Background**

Minnesota State Colleges and Universities is the seventh-largest system of higher education in the United States. It is comprised of 32 two-year and four-year state colleges and universities with 53 campuses located in 46 Minnesota communities. The System serves approximately 240,000 students annually in credit-based courses, an additional 130,000 students in non-credit courses, and produces 32,000 graduates each year. For more information about Minnesota State Colleges and Universities, please view its website at [www.mnscu.edu](http://www.mnscu.edu).

The North East Leadership Council (NELC) is a consortium of eight colleges serving the central and northeastern counties of Minnesota. The NELC is composed of Lake Superior College in Duluth, Fond du Lac Tribal and Community College in Cloquet, Pine Technical College in Pine City, and the colleges that comprise the Northeast Higher Education District – Itasca Community College, Mesabi Range Community and Technical College, Rainy River Community College, Hibbing Community College, and Vermillion Community and Technical College. The presidents of the college constitute the leadership committee for the NELC, whose mission is to further regional collaboration to improve higher education.

## Nature of RFP

The NELC is requesting proposals to assist in developing and delivering training and consultation for college personnel in the application of Lean principles to college operations. This project is conceived as a regionalized approach involving the training of teams for all partner colleges and the consultation/facilitation of those teams in conducting initial projects in the application of Lean principles. This RFP is undertaken by the NELC pursuant to the authority contained in provisions of *Minnesota Statutes* § 136F.581 and other applicable laws. The NELC anticipates that at least three individuals from each of the consortium's eight member colleges will be trained as lean practitioners through this approach. The initial training will cover lean principles and practice and the application of those to processes within higher education. Following that, the NELC expects that teams will return to their home campuses and conduct, sometimes with trained members from other NELC partners, Lean experiments and implementations at the campuses. The consultation should include in the proposal how he/she will support those trainees in their first Lean applications and the extent and nature of that consultation, including to what extent the consultation will be on-site and real-time. The consultant should further propose the curriculum and training plan and outline for the initial training course.

Accordingly, the NELC shall select the vendor(s) whose proposal(s), and oral presentation(s) if requested, demonstrate in the NELC's sole opinion, the clear capability to best fulfill the purposes of this RFP in a cost effective manner. The NELC reserves the right to accept or reject proposals, in whole or in part, and to negotiate separately as necessary in order to serve the best interests of the NELC. This RFP shall not obligate the the NELC to award a contract or complete the proposed project and it reserves the right to cancel this RFP if it is considered to be in its best interest.

## Deliverables

- Training sessions for 24 team members from partner colleges
- Training materials and manuals for future trainee use
- Consultation for trainees during first applications of Lean principles on campuses

## General Selection Criteria

General criteria upon which proposals will be evaluated include, but are not limited to, the following:

1. Experience of the vendor in Lean principles, concepts and training.
2. Experience of the vendor in the application of these principles to higher education institutions.
3. Quality of the work plan.
4. Extent of training and consultation proposed for the project.
5. References of previous customers and contact information of the last three customers where training was provided in Lean principles.

## Selection Process

The selection process includes the presidents of the partner colleges. This group will evaluate the proposals and make the final decision.

## Selection and Implementation Timeline

*Monday, October 19th, 2009*

*Monday, November 9, 5:00 p.m. CT*

*Thursday, November 12th*

*Monday-Thursday, November 16-19*

*Friday, November 20*

*Tuesday, December 1, 2009*

**Publish RFP notice in State Register**

**Deadline for RFP proposal submissions**

**Review RFP proposals**

**Meet with individual responders**

**Complete selection process**

**Deadline for executing contract**

## Contract Term

The NELC desires to enter into a contract with the successful vendor(s) effective The length of such contract(s) shall be one year. If the NELC and the vendor are unable to negotiate and sign a contract by December 1, 2009, then the NELC reserves the right to seek an alternative vendor(s).

## Vendor Requirements

1. Conduct training sessions in the NELC region at partner colleges to train up to 24 personnel from the member colleges on Lean principles.
2. Assist with a consult with teams of trained personnel on initial Lean experiments and projects at member colleges.
3. Provide personnel and NELC colleges with manuals and training materials for reference for future applications and use.

# State Contracts

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## Information Contact

The NELC's agent for purposes of responding to inquiries about the RFP and to obtain a complete copy of the RFP document is:

**Name:** Robert L. Musgrove, Ph.D.  
**Title:** President, Pine Technical College  
**Address:** 900 4<sup>th</sup> Street SE, Pine City, MN 55063  
**Phone:** (320) 629-5120  
**Fax:** (320) 629-5101  
**E-mail:** *musgrover@pinetech.edu*

Other persons are **NOT** authorized to discuss RFP requirements before the proposal submission deadline and the NELC shall **NOT** be bound by and responders may not rely on information regarding RFP requirements obtained from non-authorized persons. Questions must include the name of the questioner and his/her telephone number, fax number and/or e-mail address. Anonymous inquiries will not be answered.

## Minnesota State Colleges and Universities (MnSCU) Minnesota State College Southeast Technical Notice of Request for Proposal to assist in Developing Electronic and Video Conferencing Classrooms

**NOTICE IS HEREBY GIVEN** that Minnesota State College Southeast Technical requests proposals to assist in developing electronic and video conferencing classrooms.

To receive a copy of the RFP, send an e-mail to *mkroening@southeastmn.edu* or fax your request to (507)453-2755

**Sealed proposals are due back by Monday, November 16, 2009, 3:00 CDT** and are to be addressed to:

Minnesota State College Southeast Technical  
Mike Kroening, Vice President of Finance and Administration  
1250 Homer Road  
Winona, MN 55987

Faxes are not acceptable. Late responses will **NOT** be considered.

Minnesota State Colleges and Universities are not obligated to complete the proposed project and reserve the right to cancel this Solicitation.

## Minnesota State Colleges and Universities (MnSCU) Winona State University Request for Bids for Printing Winter 2009-2010 *Currents* Magazine

**NOTICE IS HEREBY GIVEN** that Winona State University is seeking bids for the printing of, 44,600 copies of their Winter 2009-2010 *Currents* Magazine.

Bid specifications will be available October 26 2009 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 bids 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 Monday November 10 2009.

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

### **Minnesota State Colleges and Universities (MnSCU) Winona State University Request for Proposals for Room System Upgrades with Crestron QM Systems, Epson Projectors and Video Cameras**

**NOTICE IS HEREBY GIVEN** that Winona State University is seeking proposals for room system upgrades, to include Crestron QM systems, Epson projectors and video cameras. Bid specifications will be available October 26 2009 by contacting the Purchasing Department at 175 W. Mark, PO Box 5898, 205 Somsen Hall, Winona, MN 55987, by e-mail: [sschmitt@winona.edu](mailto:sschmitt@winona.edu) or by calling 507-457-5067.

Sealed bids must be received by Sandra Schmitt via mail at PO Box 5838 or in person at 205G Somsen Hall Business Office, Winona State University, Winona, MN 55987 by 3:00 p.m. on Monday November 10 2009.

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

### **Department of Education Notice of Request for Proposal for E-Discovery Proposals**

The Minnesota Department of Education is seeking proposals from vendors to assist in identifying, collecting, preserving, processing, reviewing, and analyzing data as part of a discovery process involving current litigation. Additionally, the Department also requires assistance in creating an electronic repository that will streamline the process of responding to extensive and ongoing data practices requests made by outside entities.

The vendor will be expected to:

- Analyze the collection of data and other documents held by the Minnesota Department of Education as it relates to current litigation and ongoing data practices requests.
- Identify data as part of the discovery process and ongoing data practices requests.
- Collect and preserve data as part of the discovery process and ongoing data practices requests.
- Process, review and analyze data as part of the discovery process and ongoing data practices requests.
- Produce data and present reports to the Minnesota Department of Education as part of the discovery process and ongoing data practices requests.
- Prepare a final report for the Minnesota Department of Education.
- Provide consulting services for collecting, maintaining and preserving data.

Work is proposed to start December 14, 2009.

The Request for Proposal can be obtained from:

Lisa M. Needham, Review Coordinator  
Minnesota Department of Education A-09  
1500 Highway 36 West  
Roseville, MN 55113

# State Contracts

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**Phone:** (651) 582-8435

**E-mail:** [lisa.needham@state.mn.us](mailto:lisa.needham@state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:30 PM, Central Standard Time, November 16, 2009. **Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

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

## Minnesota Department of Natural Resources (DNR) Applications to Sell DNR Licenses Due Friday 13 November

(Contact Steve Michaels, license center director, (651) 355-0150)

Businesses interested in remaining or becoming an Electronic Licensing System (ELS) agent for the Minnesota Department of Natural Resources (DNR) must submit an application by Friday, Nov. 13.

Effective March 1, 2010, the DNR will launch a new licensing statewide system of 1,600 touch-screen, point-of-sale terminals. Only successful applicants will receive a new terminal. Existing terminals will not work with the new system.

State law requires that the DNR establish standards to determine efficient distribution of licenses statewide. Criteria on which selection will be based include type of business; location; days and hours of operation; historical sales; and population.

“Our goal is to distribute the new terminals in locations that ensure the best possible access to DNR licenses and permits,” said Steve Michaels, director of the DNR’s License Center. “Customers won’t be using the new terminals, but the touch-screen capability will make it easier for license agents to meet our customers’ needs.”

Requests for applications and questions about the new licensing system should be directed to the DNR License Center at (651) 297-1230 or (877)-348-0498. Application requests and questions also can be sent via e-mail to [countlic@dnr.state.mn.us](mailto:countlic@dnr.state.mn.us).

## Department of Natural Resources (DNR) Notice of Availability of Contract for Stewardship Plan Writing Services for Private Lands with Existing Native Prairies and Savannas

**CERTIFICATION # 20334**

**Amount of proposed contract: \$100,000.00**

The Minnesota Department of Natural Resources is requesting proposals for the purpose of stewardship plan writing services for private lands with existing native prairies and savannas. These tracts of land are located across the western and southern portions of Minnesota.

Work is proposed to start after October, 2009.

A Request for Proposals will be available by mail from this office through October 28, 2009. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After October 28, 2009, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Jason Garms, Project Coordinator  
500 Lafayette Road, Box 25



St. Paul, MN 55155

**E-mail:** [Jason.garms@dnr.state.mn.us](mailto:Jason.garms@dnr.state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:00 p.m., November 4, 2009 **Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

## Department of Natural Resources (DNR) Division of Lands and Minerals Request for Proposals for Geochemical Analysis of Rock, Core, Sediment, Soil, and Water Samples

### SECTION I. Statement of Objectives

The State of Minnesota Department of Natural Resources, Division of Lands and Minerals, seeks to establish a non-exclusive contract with an analytical laboratory for the purpose of acquiring affordable, accurate, and precise geochemical analyses of rock, core, sediment, soil, and water samples.

Prospective responders wishing to obtain this RFP may contact:

David Antonson  
Project Coordinator  
DNR - Lands and Minerals  
1525 3<sup>rd</sup> Ave. East  
Hibbing, MN 55746  
**Phone:** (218) 231-8440  
**Fax:** (218) 262-7328  
**E-mail:** [dave.antonson@dnr.state.mn.us](mailto:dave.antonson@dnr.state.mn.us)

*Other department personnel are NOT allowed to discuss the RFP with anyone, including responders, before the proposal submission deadline.*

Proposals submitted in response to the Request for Proposals (RFP) in this advertisement must be received at the address above no later than 2:30 pm, November 5, 2009. Late proposals will not be considered. Fax or emailed proposals will not be considered. Questions on this RFP should be directed to the above listed person. Contact regarding this RFP with any state of Minnesota personnel not listed above could result in disqualification.

This RFP does not obligate the state to award a contract or complete the project, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

## Department of Natural Resources (DNR) Division of Lands and Minerals Request for Proposals for Taconite Mining, Crushing, Concentrating, and Pelletizing; Research Related to Diversification of the State's Mineral Industry

### Statement of Objectives

The Department of Natural Resources, Division of Lands and Minerals, is seeking research proposals related to taconite mining.

# State Contracts

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crushing, concentrating, and pelletizing; and research proposals related to diversification of the states mineral industry for the following state programs:

**Iron Ore Cooperative Research** whose goal is to undertake projects for taconite mining, crushing, concentrating and pelletizing research that will decrease production costs, improve product quality, increase productivity, decrease environmental impacts, and/or develop new products.

- **Mineral Diversification Research** whose goal is to conduct research that increases the knowledge of Minnesota's mineral potential, stimulate the development of mineral resources in Minnesota, promote basic mineral research, and identify Minnesota aggregate resources.

- **Environmental Cooperative Research** whose goal is to undertake projects that enhance understanding of the environmental effects of mining and seek ways to mitigate them.

Successful respondents to this solicitation will be awarded a Master Contract to conduct research in one, or more of the above-mentioned program areas for a two-year period. Specific projects selected will be handled through work-order contracts pursuant to the Master. One or more work-order contracts may be awarded to each Master Contractor. However, this request for proposals does not obligate the state to award any contract or complete projects, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

Prospective responders who have any questions regarding this request for proposal may contact:

John Arola, Mineral Development Consultant  
DNR-Lands and Minerals  
1525 Third Avenue East  
Hibbing, Minnesota 55746  
**Phone:** (218) 231-8441  
**E-mail:** [john.arola@dnr.state.mn.us](mailto:john.arola@dnr.state.mn.us)

Other personnel are **NOT** authorized to discuss this request for proposal with responders before the proposal submission deadline. Contact regarding this RFP with any personnel not listed could result in disqualification. All proposals must be received no later than 2:30 pm, November 5, 2009, as indicated by a notation made by the DNR-Lands and Minerals receptionist, 1525 Third Avenue East, Hibbing, MN 55746. All costs incurred in responding to this RFP will be borne by the responder. Fax and E-mail responses will not be considered.

## Office of the Secretary of State Notice of Publication of the Open Appointments Annual Compilation and Statistical Report

The Office of the Secretary of State has published the *Fiscal Year 2009 Open Appointments Annual Compilation and Statistical Report*. The full publication is available on the OSS website at: <http://www.sos.state.mn.us/index.aspx?page=360>

Vacancies are published one time per month. Current vacancies can be found on the OSS website at:

<http://www.sos.state.mn.us/index.aspx?page=308>

You may join our e-mail list-serve by completing the subscription form at: <http://www.sos.state.mn.us/index.aspx?page=20> or submitting your e-mail address to: [open.appointments@state.mn.us](mailto:open.appointments@state.mn.us).

For further information please contact Nancy Breems at 651-297-5845.

**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, MN 55155

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

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

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

## Non-State 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.

## Best, Most Inexpensive Way to Reach Your Clients

The *State Register* offers one of the cheapest, yet far reaching methods, of notifying the public about your agency's bids, contracts and grants. It is available to any government, non-profit, or private agency. Space is charged at the current rate of \$13.60 per each 1/10th of a page used in the *State Register*. Agencies are only billed for the space used in the *State Register*.

Agencies wishing to take advantage of this offer should submit what you want printed in the *State Register* via e-mail to: [robin.panlener@state.mn.us](mailto:robin.panlener@state.mn.us). Attach to your entry a short note indicating when you wish the notice to be published (one, or many dates), if you want a copy of the issue your notice appears in (a TEAR SHEET will be sent free with your bill), and whether you want an "Affidavit of Publication."

## 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](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

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

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- **No More Gallant a Deed** - A Civil War Memoir of the First Minnesota Volunteers, by James A. Wright, edited by Steven J. Keillor, \$34.95
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\$100.01-\$1,000	\$ 17.00*
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Shipping \_\_\_\_\_

Subtotal \_\_\_\_\_

Sales tax \_\_\_\_\_

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**TOTAL** \_\_\_\_\_

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