

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**  
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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
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
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State Office Building, Room 175,  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
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# Minnesota Rules: Amendments and Additions

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

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

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

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 Proposed emergency rules, and withdrawn proposed rules, are also published in the *State Register*.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

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

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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 Pollution Control Agency (MPCA)

### Municipal Division

### Proposed Permanent Rules Relating to Underground Storage Tanks

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

### Proposed Amendment to Rules Governing Underground Storage Tank Program, *Minnesota Rules*, 7150.0010.

**Introduction.** The Minnesota Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, (Minn. R.), 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes* (Minn. Stat.), sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on January 8, 2010 public video-conference hearings will be held at the MPCA office locations listed below on Thursday, January 21, 2010 from 5:00 p.m. to 9:00 p.m. and on Friday, January 22, 2010, from 9:00 a.m. to 12:00



# Proposed Rules

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p.m. The Administrative Law Judge may elect to close the hearing sooner than the listed time on each day if no more speakers are present. To find out whether the MPCA will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 8, 2010 and before January 21, 2010.

The hearing will be held in the 4<sup>th</sup> Floor Video Conference Room at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155.

The hearing can be viewed through video conference links at the following locations:

MPCA-St. Paul: 1<sup>st</sup> Fl. Conf. Room, 520 Lafayette Road North, St. Paul, Minnesota 55155

MPCA-Detroit Lakes: 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501 MPCA-Duluth: 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802

MPCA-Brainerd: 7678 College Road-Suite 105, Baxter, Minnesota 55802

MPCA-Marshall: 1420 East College Drive, Suite 900, Marshall, Minnesota 56258

MPCA-Mankato: 12 Civic Center Plaza, Suite 2165, Mankato, Minnesota 56001

MPCA-Rochester: 18 Wood Lake Drive Southeast, Rochester, Minnesota 55904

MPCA-Willmar: 1601 East Highway 12, Suite 1, Willmar, Minnesota 56201

Video conference links are provided for the convenience of the public and are designed to allow the public an opportunity to participate in the hearings (i.e., provide testimony and enter relevant documents into the rule record). The MPCA will be able to display any written documents presented at the hearing at all video conference sites.

The MPCA will post any exhibit that it intends to use or reference at the hearing on its website no later than noon on January 15, 2010.

**MPCA Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is: Hannah Pierce, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155-4194, **phone:** (651) 757-2651. TTY users may call the MPCA teletypewriter at (651) 282-5332

**Subject of Rules.** The purpose of these rules (Minn. R. ch.7150) is to prevent the improper design, installation, use, maintenance, and closure of UST's and their appurtenances such as piping and dispensers, which could adversely affect water quality and the public health, safety, and general welfare through releases of petroleum or hazardous materials to the land, groundwater, and surface water of the state of Minnesota.

**Statutory Authority.** The statutory authority to adopt the rules is *Minnesota Statutes*, 116.49, subd.1.

**Rule Availability.** The proposed changes to *Minnesota Rules* Chapter 7150 are published in the *State Register* or they can be viewed on the MPCA Web site at <http://www.pca.state.mn.us/news/index.html>. A free copy of the proposed rules is available upon request by contacting Wendy Gardner-Pritchard at (651) 757-2090. Only one copy will be sent per request.

**Comments.** You have until 4:30 p.m. on Friday, January 8, 2010, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the MPCA contact person by the due date. Comments are encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change 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 rules. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on Friday, January 8, 2009. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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# Proposed Rules

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

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the MPCA or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under Minn. R.1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearings scheduled for January 21 and 22, 2010, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the MPCA contact person at (651) 757-2651 after January 8, 2010 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in Minn. Stat., sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7843, and FAX (651) 361-7936.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by Minn. R., 1400.2000 to 1400.2240, and Minn. Stat., sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge. The MPCA requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the MPCA contact person at the address stated above.

**Statement of Need and Reasonableness.** The MPCA has prepared a Statement of Need and Reasonableness (SONAR). This SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The SONAR is now available for viewing in the MPCA library in the St. Paul Office, 520 Lafayette Road North, St. Paul, MN 55155. You may obtain a copy of the SONAR from the MPCA for the cost of reproduction by contacting Wendy Gardner Pritchard at 651-757-2090. The SONAR is also available on the MPCA's Web site at:

*<http://www.pca.state.mn.us/news/index.html>*

**Request to Have MPCA Citizens' Board (Board) Make Decision on Rule if No Hearing is Required.** If a hearing is required, the Board will make the final decision on whether to adopt the proposed rules. If no hearing is required, you may submit a petition to the MPCA Commissioner or a Board member to have the Board make the decision on whether to adopt the proposed rule amendments by following the procedures in Minn. R. 7000.0650, subpart 3. Your request must be in writing, must state to whom it is directed, and identify the matter that the person would like placed on the agenda and the reasons for placing it on the agenda. The petition must be received by the MPCA contact person at least 21 days before the meeting during which the petitioner would like the matter to be considered. The schedule of Board meetings is available at *<http://www.pca.state.mn.us/about/board/index.html>* or by contacting the MPCA contact person Hannah Pierce. Requests received after the MPCA Commissioner has made a decision on whether to approve the rules will not be considered. The Commissioner is anticipated to make a decision on or about March 1, 2010 whether to approve the rules. Under Minn. Stat., sections 116.02 where a hearing is not required, the Board will only make the decision on the rule if the MPCA Commissioner grants a petition or if a Board member makes a timely request that the decision be made by the Board.

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

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

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

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

Dated: 23 October 2009

Paul Eger, Commissioner  
Minnesota Pollution Control Agency

## 7150.0010 APPLICABILITY.

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

Subp. 4. **Emergency power generator tanks.** Parts 7150.0300 to 7150.0340 and 7150.0450, subpart 3, item D, do not apply to an underground storage tank system installed before December 22, 2007, that stores fuel ~~solely~~ for use by emergency power generators.

Subp. 5. **Heating oil tanks.** Parts 7150.0010; 7150.0030; 7150.0090, subparts 1, 2, 4, and 6; 7150.0100, subparts 7, 9, and 10; and 7150.0205, subparts 1 to 4; and 7150.0215, apply to an underground storage tank system of over 1,100 gallons capacity used exclusively for storing heating oil for consumptive use on the premises where stored.

## 7150.0100 PERFORMANCE STANDARDS FOR UNDERGROUND STORAGE TANK SYSTEMS.

[For text of subs 1 to 9, see M.R.]

Subp. 10. **Repairs allowed.** Owners and operators of underground storage tank systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the underground storage tank system is used to store regulated substances. The owner and operator shall ensure that the person performing the repairs has been certified under chapter 7105. The repairs must meet the requirements in items A to E.

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

C. Within 30 days after completion of a tank repair, the tank must pass either a tightness test in accordance with part 7150.0330, subpart 4, or a tightness test at a 0.1 gallon per hour leak rate using equipment for automatic tank gauging. Within 30 days after completion of a piping repair, the piping must pass a tightness test in accordance with part 7150.0340, subpart 3, item A.

D. Within six months after the repair of a cathodic protection system, the cathodic protection system must be tested according to part 7150.0215 to ensure that it is operating properly.

E. Impressed current cathodic protection systems must be repaired by a corrosion expert who is qualified to repair impressed current cathodic protection systems.

F. Sacrificial anode cathodic protection systems must be repaired by a cathodic protection tester or a corrosion expert who is qualified to repair sacrificial anode cathodic protection systems.

[For text of subp 11, see M.R.]

Subp. 12. **Sump and basin maintenance.** Spill catchment basins, submersible pump sumps, and dispenser sumps shall ~~have liquid-tight sides and bottom and~~ be maintained free of storm water and debris. Regulated substances spilled to any spill catchment basin, submersible pump sump, or dispenser sump shall be immediately removed.

Subp. 13. **Shear valves.** All shear valves shall be securely anchored.

Subp. 14. **Drop tubes.** All underground storage tanks shall have a drop tube that extends to within ~~12~~ six inches of the tank bottom.



## **7150.0205 DESIGN AND CONSTRUCTION.**

Subpart 1. **Tanks.** Each tank must be properly designed and constructed and any part underground that routinely contains product must be protected from corrosion using one of the following methods, except that all hazardous materials tanks and all tanks, other than heating oil tanks, installed or replaced after December 22, 2007, must comply with item D. The corrosion protection methods must be in accordance with one of the codes of practice in subpart 2 developed by a nationally recognized association or independent testing laboratory. Tanks that do not meet the requirements of this subpart must be permanently closed according to part 7150.0410.

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

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

### **Subp. 6. Submersible pumps.**

A. After December 22, 2007, any new or replacement submersible pump, including replacement pump head, shall be provided with secondary containment around and beneath the pump head. Secondary containment shall be:

(1) designed to contain a release from the pump head and any connectors, fittings, and valves beneath the pump head until the release can be detected and removed;

(2) designed with liquid-tight sides, bottom, cover, and points of piping penetration;

[For text of subitems (3) and (4), see M.R.]

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

### **Subp. 7. Dispensers.**

A. After December 22, 2007, any new dispenser, and any replacement dispenser where work is performed beneath any shear valves or check valves or on any flexible connectors or unburied risers, shall be provided with secondary containment beneath the dispenser. Secondary containment shall be:

(1) designed to contain a release from the dispenser and any connectors, fittings, and valves beneath the dispenser until the release can be detected and removed;

(2) designed with liquid-tight sides, bottom, and points of piping penetration;

[For text of subitems (3) and (4), see M.R.]

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

## **7150.0211 CLASS A, B, AND C OPERATOR REQUIREMENTS.**

Subpart 1. **Definitions.** For purposes of this part, the following definitions apply.

A. “Class A operator” means an individual who has primary responsibility to operate and maintain the underground storage tank system.

B. “Class B operator” means an individual who has daily responsibility to operate and maintain the underground storage tank system.

C. “Class C operator” means an individual who has daily on-site presence and responsibility to handle emergencies and alarms pertaining to a spill or release from the underground storage tank system.

D. “Unattended card-lock facility” means a facility where control of dispensing a regulated substance is through a mechanical or electronic method without the constant on-site presence of a Class A, Class B, or Class C operator.

Subp. 2. **General.** Class A, B, and C operators must be either the owner or operator of the underground storage tank system, or a designated employee of the owner or operator. The owner or operator of an underground storage tank system must designate a Class A, Class B, and Class C operator for the tank system, except that the owner or operator is not required to designate a Class C operator for unattended card-lock facilities. A Class A, Class B, or Class C operator must be present on site during the operation of the tank system, except at unattended card-lock facilities, which must have a sign posted according to subpart 3. The owner and operator of an underground storage tank system are responsible for ensuring that the Class A, Class B, and Class C operators are fulfilling their responsibilities under this chapter.

Subp. 3. **Unattended card-lock facility.** An unattended card-lock facility must have a legible sign posted in a conspicuous place with the name and address of the facility and the telephone number of the facility owner, operator, or local emergency response.

Subp. 4. **Class A operator responsibilities.** The Class A operator is responsible for managing resources and personnel to achieve and maintain compliance with this chapter.

Subp. 5. **Class B operator responsibilities.** The Class B operator is responsible for daily operation and maintenance of the

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underground storage tank system. The Class B operator must be present on site at least one time per month to ensure proper operation and maintenance of the tank systems, except that the Class B operator of an unattended card-lock facility must be present on site at least one time per week. Each month, the Class B operator must validate that:

- A. required release detection monitoring is being performed according to parts 7150.0300 to 7150.0340;
- B. required reporting is being performed and records are being maintained according to part 7150.0450;
- C. spill, overfill, and corrosion protection systems are in place and operational according to part 7150.0205;
- D. cathodic protection testing has been performed according to part 7150.0215;

E. unusual operating conditions or release detection system indications have been reported and investigated according to *Minnesota Statutes*, section 115.061; and

F. routine operation and maintenance activities have been accomplished.

**Subp. 6. Class C operator responsibilities.** The Class C operator must be present on site daily and is responsible for handling emergencies and alarms pertaining to a spill or release from a tank system, including reporting spills and releases. The Class C operator must be trained by a Class A or B operator before assuming responsibility for the tank system.

**Subp. 7. Class A and B operator examinations.**

A. Class A and B operators must pass an agency-administered examination verifying operator knowledge of the underground storage tank system with a score of 75 percent or higher.

B. Class A and B operators must pass the agency-administered examination within 30 days after being designated by the owner or operator of the tank system, except as provided in item C. The Class B operator must retake the examination within 30 days after a change in any of the following tank system components:

- (1) tank or piping construction material;
- (2) tank or piping release detection method; or
- (3) type of cathodic protection system.

C. Class A and B operators must be designated and pass the initial agency-administered examination according to the following deadlines:

(1) operators at underground storage tank facilities where the facility telephone area code is 651 or 952 must pass the examination no later than August 8, 2010. After August 8, 2010, item B applies;

(2) operators at underground storage tank facilities where the facility telephone area code is 612 or 763 must pass the examination no later than August 8, 2011. After August 8, 2011, item B applies; and

(3) operators at underground storage tank facilities where the facility telephone area code is 507, 218, or 320, or other area code must pass the examination no later than August 8, 2012. After August 8, 2012, item B applies.

**Subp. 8. Class A and B operator training requirements.**

A. If the Class A or B operator does not receive a passing score of 75 percent or higher on the examination under subpart 7, the Class A or B operator must attend an agency-approved training course and retake and pass an agency-administered examination within 60 days after notification by the commissioner.

B. If the commissioner determines that the owner or operator of a tank system has violated part 7150.0205, subpart 5; 7150.0215; 7150.0300; 7150.0330; 7150.0340; or 7150.0400, the Class B operator of the tank system must attend an agency-approved training course and retake and pass an agency-administered examination within 60 days after notification by the commissioner.

**Subp. 9. Application procedures for training course approval.**

A. Persons seeking to train Class A and B operators must submit an application to the commissioner for approval according to this subpart.

B. To apply for commissioner approval of an operator training course, a training provider must submit an application to the commissioner on an application form provided by the commissioner. The application must contain the following information:

- (1) the course sponsor's name, address, and telephone number;
- (2) a list of states that currently approve the training course;
- (3) the course curriculum, including topics to be covered and length of the training;
- (4) a letter from the training course sponsor that clearly indicates how the course meets the requirements of this chapter;
- (5) a copy of all course materials, such as student manuals, instructor notebooks, and handouts;
- (6) a copy of the certificate that will be issued to students who attend the course; and
- (7) other information determined by the commissioner to be relevant to evaluating whether the course will provide knowledge to operators to meet the requirements of this chapter.

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C. Training must provide the knowledge necessary for operators to monitor and maintain tank systems in a manner that complies with this chapter, prevents releases to the environment, minimizes the size of accidental releases through early detection, and mitigates damage from releases with proper emergency response.

D. The commissioner shall suspend or revoke approval of a training course if the commissioner finds that the course is no longer providing training that meets the requirements of this chapter.

E. Except as provided in item D, approval of a training course remains in effect until the commissioner notifies the approved training provider that changes in the course are required to maintain commissioner approval. At that time, the training provider must submit a revised training course to the commissioner for approval.

## 7150.0215 OPERATION AND MAINTENANCE OF CATHODIC PROTECTION.

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

Subp. 3. **Impressed current systems.** Impressed current cathodic protection systems must be tested for proper operation according to the following requirements:

A. the rectifier must be read every 60 days to ensure that current is being delivered to the system and the voltage and amperage readings shall be recorded;

B. systems must be tested by a corrosion expert or a cathodic protection tester within six months of installation and at least annually thereafter, and within six months after any repairs and at least annually thereafter; and

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

## 7150.0300 RELEASE DETECTION.

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

Subp. 5. **Tanks.** Tanks must be monitored at least every 30 days for releases using one of the following methods or combination of methods, except that hazardous materials tanks and tanks installed on or after December 22, 2007, must comply with item B:

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

Subp. 6. **Piping.** Underground piping that routinely contains regulated substances must be monitored for releases using one of the following methods or combination of methods, except that piping installed on or after December 22, 2007, must comply with item A, subitem (3) or (4):

A. Pressure piping. Underground piping that conveys regulated substances under pressure must use one of the following methods:

(1) be equipped with and operate a continuous automatic line-leak detector according to part 7150.0340, subpart 2; and

(2) have an annual line tightness test conducted according to part 7150.0340, subpart 3, or have monthly interstitial monitoring conducted according to part 7150.0340, subpart 4:

(1) line leak detection conducted according to part 7150.0340, subpart 2, and annual line tightness testing conducted according to part 7150.0340, subpart 3, item A;

(2) line leak detection conducted according to part 7150.0340, subpart 2, and monthly line tightness testing conducted according to part 7150.0340, subpart 3, item B;

(3) line leak detection conducted according to part 7150.0340, subpart 2, and monthly interstitial monitoring conducted according to part 7150.0340, subpart 4, item A, subitem (2); or

(4) continuous interstitial monitoring conducted according to part 7150.0340, subpart 4, item A, subitem (1).

B. Suction piping.

(1) Except as described in subitem (2), underground piping that conveys regulated substances under suction must:

(a) have a line tightness test conducted at least every three years according to part 7150.0340, subpart 3 if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure; or

(b) have monthly interstitial monitoring conducted according to part 7150.0340, subpart 4.

[For text of subitem (2), see M.R.]

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

Subp. 7. **Sump and basin monitoring.** Dispenser sumps, spill catchment basins, and submersible pump sumps shall be visually checked for releases on a monthly basis. A submersible pump sump may be visually checked for releases on an annual basis if it is secondarily contained in accordance with the design requirements of part 7150.0205, subpart 6, and is equipped with a continuous automatic sensing device that signals the operator of the presence of either the regulated substance or water in the sump. If sumps and basins are equipped with automatic leak-sensing devices that signal the operator of the presence of any regulated substance, sensors shall

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be tested annually for proper function. Sumps and basins shall be maintained free of storm water and debris. Regulated substances spilled to sumps and basins shall be immediately removed and the source of the spills, drips, or leaks must be investigated and remedied.

## 7150.0330 METHODS OF RELEASE DETECTION FOR TANKS.

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

Subp. 2. **Inventory control.** Product inventory control must be conducted monthly to detect a release of at least 1.0 percent flow-through plus 130 gallons on a monthly basis in the following manner:

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

D. deliveries are made through a drop tube that extends to within one foot six inches of the tank bottom;

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

[For text of subps 3 to 7, see M.R.]

## 7150.0340 METHODS OF RELEASE DETECTION FOR PIPING.

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

Subp. 2. **Automatic line leak detectors.** Methods which that continuously alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping, or by triggering an audible or visual alarm, may be used only if they detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour. An annual test of the operation of any ~~mechanical~~ line leak detector must be conducted. Testing shall:

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

Subp. 3. **Line tightness testing.** A periodic test of piping may be conducted only:

A. annually, if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure; or

B. monthly, if it can detect a 0.2 gallon per hour leak rate at standard operating pressure.

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

## 7150.0400 TEMPORARY CLOSURE.

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

Subp. 4. **Tanks out of service one year.** When an underground storage tank system is out of service for one year or more, owners and operators must permanently close the underground storage tank system according to part 7150.0410, unless the owner or operator requests an extension of the closure period and completes a site assessment according to part 7150.0420, by submitting an application for an extension on a form approved by the commissioner and the commissioner approves the extension in writing based on compliance with this part. Conditions of extension shall include record keeping requirements according to part 7150.0450 and the continued operation and maintenance of cathodic protection according to part 7150.0215. The underground storage tank system may not be returned to service without the written approval of the commissioner, based on compliance with the applicable requirements of this chapter.

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

## 7150.0410 PERMANENT CLOSURE AND CHANGE IN STATUS TO STORAGE OF NONREGULATED SUBSTANCES.

Subpart 1. **Requirements.** In addition to the requirements of the most current Minnesota Fire Code, owners and operators must comply with the provisions in subparts 2 to 7 relating to permanent closure and or change in status to storage of nonregulated substances.

[For text of subps 2 to 7, see M.R.]

## 7150.0420 SITE ASSESSMENT.

When permanently closing a tank; or making a change in status to storage of a nonregulated substance, or temporarily closing a tank for one year or more, owners and operators must measure through laboratory analysis for the presence of a release where contamination is most likely to be present at the underground storage tank site. If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered by this measurement or by any other manner, owners and operators must notify the agency immediately and begin corrective action according to *Minnesota Statutes*, section 115.061. In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

## 7150.0450 REPORTING AND RECORD KEEPING.

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

Subp. 3. **Record retention.** Owners and operators must maintain the following information in a legible manner for the specified time frame:

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

D. documentation of compliance with release detection requirements under parts 7150.0300 to 7150.0340, as follows:

[For text of subitem (1), see M.R.]

(2) the results of any sampling, testing, or monitoring must be maintained for at least ten years, including:

[For text of units (a) to (f), see M.R.]

~~(g) monthly electronic line leak detection according to part 7150.0340, subpart 2;~~

~~(h) (g) annual testing of any mechanical line leak detector according to part 7150.0340, subpart 2;~~

~~(i) (h) monthly or annual line tightness testing according to part 7150.0340, subpart 3, item A;~~

~~(i) monthly line tightness testing according to part 7150.0340, subpart 3, item B;~~

[For text of units (j) to (m), see M.R.]

[For text of subitem (3), see M.R.]

(4) documentation of the commissioner's approval of alternate release detection methods under part 7150.0330, subpart 7, or 7150.0340, subpart 5, must be maintained for as long as the methods are being used to comply with the requirements of this chapter; ~~and~~

E. results of the site assessment conducted at permanent closure or change in status to a nonregulated substance under part 7150.0420 and any other records that are capable of demonstrating compliance with closure requirements under parts 7150.0400 and 7150.0410. The results of the site assessment required in part 7150.0420 must be maintained for at least three years after completion of permanent closure or change in status in one of the following ways:

[For text of subitems (1) and (2), see M.R.]

(3) by mailing these records to the commissioner if the records cannot be maintained at the closed facility;

F. certification that the facility's Class A operator and Class B operator have passed the operator examination requirements. Certifications on current personnel must be kept until closure of the facility. Certifications on former personnel must be kept for at least three years from the date of the employee's termination;

G. records of monthly or weekly on-site presence of the Class B operator according to part 7150.0211, subpart 5, must be kept for at least ten years; and

H. records that document that the Class C operator has received the training required in part 7150.0211, subpart 6, including the date of training, who performed the training, and the contents of the training. Training records on current personnel must be kept until closure of the facility. Training records on former personnel must be kept for at least three years from the date of the employee's termination.

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



# 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.

## Public Utilities Commission (PUC) Adopted Permanent Rules Relating to Telephone Assistance Plans

The rules proposed and published at *State Register*, Volume 33, Number 49, pages 1997-2004, June 08, 2009 (33 SR 1997), are adopted with the following modifications:

### 7817.0100 DEFINITIONS.

Subp. 6. **Federal matching plan.** "Federal matching plan" means any telephone service discount plan of the Federal Communications Commission, including the federal plan in *Code of Federal Regulations*, title 47, part 54, that waives the federal interstate access charge for eligible local telephone subscribers. This federal plan provides matching federal assistance to eligible households receiving assistance through a state telephone assistance plan.

Subp. 10. **Local exchange service.** "Local exchange service" means telephone service provided within local exchange service areas in accordance with ~~telephone company~~ local service provider tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange. It also includes extended area service that is interexchange calling for which a message toll charge is not assessed.

### 7817.0200 PURPOSE AND CONSTRUCTION.

The purpose of this chapter is to develop and implement a statewide telephone assistance plan to provide telephone assistance credits to reduce the local telephone rates of eligible residential households, to be jointly administered by the commission, the Department of Commerce, and the local service providers. The purpose of this chapter is also to permit the implementation of federal matching plans so that the state's local exchange service telephone customers are afforded the opportunity to acquire the benefits of these federal matching plans.

This chapter is to be liberally construed to further these purposes.

### 7817.0400 ELIGIBILITY FOR TELEPHONE ASSISTANCE CREDITS.

Subpart 1. **Information provided.** Each local service provider shall annually mail a notice of the availability of the telephone assistance plan to each residential subscriber in a regular billing, ~~as requested by the residential subscriber for delivery of the regular billing.~~ If a subscriber has chosen to receive the regular billing other than through U.S. mail, the local service provider shall send the notice in a regular billing using the delivery method chosen by the subscriber for delivery of the regular billing. The notice must state the following: YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE BILL IF YOU RECEIVE BENEFITS FROM CERTAIN LOW-INCOME ASSISTANCE PROGRAMS OR MEET CERTAIN INCOME LIMITS. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE CONTACT ..... On request, the local service provider shall mail to a person an application form developed by the commission and the Department of Commerce, and a brochure that describes the telephone assistance plan's eligibility requirements and application process.

Subp. 7. **Applicant and recipient responsibilities.** ~~An applicant~~ Each applicant and each recipient shall provide current information to the local service provider about permanent changes that affect the applicant's or recipient's eligibility.

### 7817.0600 VERIFICATION AND TERMINATION OF CREDITS.

Subpart 1. **Verification.** ~~A~~ Each local service provider shall verify ~~whether its recipients are eligible to continue receiving telecommunications assistance credits in the same manner that verification of eligibility for the federal Lifeline telephone service discount is determined~~ the continued eligibility of its TAP recipients by using the same verification procedures that are used to verify a recipient's continued eligibility for the federal Lifeline plan. A provider that participates in both Lifeline and TAP is not required to conduct a separate

verification process for TAP, but may conduct a single verification process using the Lifeline verification procedures.

## **7817.0800 FEDERAL MATCHING PLANS.**

The telephone assistance plan must be combined with the existing federal matching plan. Local service providers shall participate in both plans, except that a provider that is not a designated “eligible telecommunications carrier,” as defined by Code of Federal Regulations, title 47, part 54, is not required to participate in the federal Lifeline plan. If and when other federal matching plans are developed, the commission shall seek outside comment on those plans and review each plan and the comments submitted by interested persons. After appropriate proceedings, the commission shall determine whether to incorporate those plans into the telephone assistance plan and require telephone companies to participate.

## **7817.1000 APPEALS AND COMPLAINTS.**

Subpart 1. **Appeal of decision to deny or terminate credits.** An applicant or recipient has the right to appeal a local service provider’s decision to deny or terminate credits. The appeal must be in writing and must be received by the commission or the provider within 60 days of following the date of the notice is mailed denying or terminating credits. A local service provider, upon notice of an appeal, must not terminate credits while the appeal is pending. Appeal hearings must be conducted at a reasonable time, date, and place by the commission. An applicant or recipient may introduce evidence relevant to the issues on appeal. The decision must be based on evidence introduced at the hearing.

# Secretary of State

## Adopted Permanent Rules Governing the Safe at Home Program

The rules proposed and published at *State Register*, Volume 34, Number 7, pages 213-226, August 17, 2009 (34 SR 213), are adopted with the following modifications:

### **8290.0100 DEFINITIONS.**

Subp. 13. **Mail.** “Mail” means items first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogs, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a government agency, that are specifically addressed to a program participant and delivered to the designated address by the United States Postal Service.

### **8290.0800 TRANSFER OF SCHOOL RECORDS.**

~~When a program participant is a student who has changed schools, the adult program participant or applicant associated with the student may request that the student’s former school send the student’s school records to the secretary of state to be transferred to the student’s new school. A school that has received such a request must send the student’s records to the secretary of state. The adult program participant or applicant must give the secretary of state written consent to forward the records to the school designated by the adult program participant or applicant. The secretary of state must forward the records to the new school within two business days of receipt of the school records or of the adult program participant or applicant’s consent and designation of the new school, whichever is later.~~

Subpart 1. **Participant request.** A parent or guardian of a program participant who is a student in an elementary or secondary school in Minnesota, or a student in a secondary school in Minnesota who is a program participant who has reached the age of majority, may submit a records transfer request to the secretary of state which shall consist of written consent for: (1) the secretary of state to request the student’s records from the student’s previous school; (2) the student’s previous school to provide the student’s records to the secretary of state; and (3) the secretary of state to send the records to the student’s new school. If it is in receipt of a records transfer request, the secretary of state must request the student’s records from the student’s previous school and provide the student’s previous school with the parent’s, guardian’s, or student’s written consent for the school to provide the student’s records to the secretary of state. A school that receives such a request must send the student’s records to the secretary of state within the time frame required by *Minnesota Statutes*, section 120A.22, subdivision 7. The secretary of state must forward the records to the student’s new school as soon as practicable after receipt.

Subp. 2. **School request.** If a school makes a request of the secretary of state to facilitate the transfer of records for a student who is a program participant, the secretary of state must provide the program participant’s parent or guardian or the program participant, if the

# Adopted Rules

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program participant has reached the age of majority, with the opportunity to provide a records transfer request to the secretary of state, in accordance with subpart 1.

## **8290.1000 WITHDRAWAL OF PROGRAM CERTIFICATION.**

Subp. 4. **Mail forwarding.** Mail received at the designated address for the program participant other than mail designated “Do Not Forward,” “Return Service Requested,” or similarly designated, must be forwarded to the program participant for 30 days after the effective date of withdrawal, unless the program participant or applicant has designated a shorter period. After 30 days mail must be returned to the sender.

## **8290.1100 RENEWAL OF PROGRAM CERTIFICATION.**

### Subpart 1. **Notification of option to renew.**

A. At least 30 days before the expiration of the certification, the secretary of state shall inform the program participant or applicant, if different, of the option of renewing certification in Safe at Home by sending a renewal form by first class mail to the program participant’s mailing address. The notice must provide instructions to the program participant on what actions to take upon expiration, including the return of the Safe at Home card and notification to public and private persons of the actual address, and that the designated address is no longer the address of the program participant. ~~The notice shall also include a description of the consequences of allowing certification as a program participant to lapse.~~ If the secretary of state has not received a renewal form ten days before the expiration of the program participant’s certification, the secretary of state must mail a notice to the program participant reminding the program participant of the option to renew.

## **8290.1500 APPLICATION ASSISTANT ACCREDITATION.**

Subp. 8. **Records.** An application assistant shall forward the completed application materials required by this chapter to the secretary of state. If the applicant so directs, an application assistant may mail any optional notices that are generated as a part of the application process to the appropriate party. Any remaining application materials must be given to the applicant or securely disposed of by the application assistant.

# Expedited Rules

An agency adopts Expedited Rules (*Minnesota Statutes* 14.389) when a law requires or authorizes such rules. The agency must follow *Minnesota Statutes*, sections 14.19 and 14.366. Within 180 days after issuance of the administrative law judge's report, or that of the chief administrative law judge, an agency shall submit its notice of adoption, amendment, or repeal to the *State Register* for publication. If the agency has not submitted its notice to the *State Register* within 180 days, the rule is automatically withdrawn.

The agency may not adopt the withdrawn rules without again following the procedures of *Minnesota Statutes* 14.05 to 14.28. If the law authorizing or requiring rules to be adopted under this section 14.389, and refers to **Subdivision 5, Option**, then the notice must include a statement that a public hearing will be held if 100 or more people request a hearing. If such is the case, the agency may adopt the rule only after complying with all of the requirements of chapter 14 for rules adopted after a public hearing.

## Minnesota Department of Health (MDH)

### Division of Health Policy

### Proposed Expedited Permanent Rules Relating to Baskets of Care

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

### Proposed Expedited Permanent Rules Relating to Baskets of Care, *Minnesota Rules*, Chapter 4765

**Introduction.** The Department of Health intends to adopt rules under the expedited rulemaking process in the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until January 5, 2010.

**Agency Contact Person.** You must submit comments or questions on the rules to: Katie Burns, MN Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882, **phone:** (651) 201-5530, and **e-mail:** [health.reform@state.mn.us](mailto:health.reform@state.mn.us). **TTY** users may call the Minnesota Department of Health at (651) 201-5797.

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules establish the features of eight state designated baskets of care, the quality measures for those baskets, and the duties of those providers who choose to offer the baskets. The statutory authority to adopt this rule is *Minnesota Statutes* §62U.05. The statutory authority to adopt this rule under the expedited rulemaking process is *Minnesota Statutes* §62U.06, subd. 3. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed. The proposed expedited rule and appendices may be viewed at:

[www.health.state.mn.us/healthreform/baskets/index.html](http://www.health.state.mn.us/healthreform/baskets/index.html).

A free copy of the appendices related to this proposed rule is also available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Tuesday, January 5, 2010, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules and appendices. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must be made during this comment period. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

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

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

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

# Expedited Rules

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

Dated: November 16, 2009.

Signed by Sanne Magnan, M.D., Ph.D., Commissioner  
Department of Health

## **4765.0010 APPLICABILITY.**

This chapter applies to all providers and payers that voluntarily enter into an agreement to provide or purchase services under Minnesota Statutes, section 62U.05.

## **4765.0020 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of this chapter, the following terms have the meanings given them in this part.

Subp. 2. **Health care provider.** “Health care provider” has the meaning given in Minnesota Statutes, section 62U.01, subdivision 10.

Subp. 3. **Payer.** “Payer” means a health plan company as defined in Minnesota Statutes, section 62U.01, subdivision 8, an employer, an individual, or a third-party administrator, as defined in Minnesota Statutes, section 60A.23, subdivision 13.

Subp. 4. **State-designated basket of care; basket.** “State-designated basket of care” or “basket” means a collection of health care services identified in one of the eight appendices, A to H of the State-Designated Baskets of Care: Appendices to Minnesota Administrative Rules, Chapter 4765, in part 4765.0040, as incorporated by reference in part 4765.0040. The eight baskets of care are:

- A. asthma care for children: ambulatory care of asthma in children;
- B. diabetes: medically uncomplicated type 2 diabetes;
- C. diabetes: prediabetes;
- D. acute episode of low back pain;
- E. obstetric care: prenatal care;
- F. preventive care for adults: preventive care assessment, recommendations, and referrals in adults;
- G. preventive care for children; and
- H. total knee replacement.

A collection of services and outcomes may only be identified as a state-designated basket of care if it contains all of the health care services listed in appendices A to H of the State-Designated Baskets of Care: Appendices to Minnesota Administrative Rules, Chapter 4765, in part 4765.0040. A collection of services that includes additional services or outcomes not listed in appendices A to H must not be identified as a state-designated basket of care.

## **4765.0030 DUTIES OF PROVIDERS THAT OFFER STATE-DESIGNATED BASKETS OF CARE.**

Subpart 1. **Uniform pricing.**

A. Beginning January 1, 2010, a health care provider or group of providers that has established a price for a state-designated basket of care must not vary the payment amount that the provider accepts as full payment for that basket based upon:

- (1) the identity of the payer;
- (2) a contractual relationship with a payer;
- (3) the identity of the patient; or
- (4) whether the patient has coverage through a group purchaser.

A health care provider or group of providers that offers a state-designated basket of care to a payer is not required to offer the basket to all payers.

B. This subpart applies only to state-designated baskets of care provided to Minnesota residents or to non-Minnesota residents who obtain health insurance through a Minnesota employer.

C. This subpart does not:

(1) apply to services paid for by Medicare, state public health care programs through fee-for-service or prepaid arrangements, workers’ compensation, or no-fault automobile insurance; or



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## Expedited Rules

(2) affect the right of a provider to provide charity care or care for a reduced price due to financial hardship of the patient or due to the patient being a relative or friend of the provider.

**Subp. 2. Registration and reports to commissioner.** A provider or group of providers that offers a state-designated basket of care must register with the commissioner. The registration must include the uniform price for each basket that the provider or group of providers offers, and the name, address, telephone number, and email address of a contact person for each basket. The provider or group of providers must submit this information at least annually or whenever the uniform price changes, whichever occurs first.

**Subp. 3. Baskets of care offered.** A provider or group of providers may offer one or more baskets of care listed in part 4765.0020, subpart 4.

**Subp. 4. Quality reporting.** A provider or group of providers that offers a state-designated basket of care must submit the quality measures as described in appendices A to H of the State-Designated Baskets of Care: Appendices to Minnesota Administrative Rules, Chapter 4765, in part 4765.0040, for each basket that it offers. Quality measures must be calculated only for those patients who participate in a basket. Quality measures submitted under this subpart must not include individually identifiable health information on the individuals accessing health care services through the baskets of care. Quality measures must be submitted on the same schedule in chapter 4654, unless otherwise required by appendices A to H.

### **4765.0040 INCORPORATION BY REFERENCE.**

State-Designated Baskets of Care: Appendices to Minnesota Administrative Rules, Chapter 4765, issued by the Minnesota Department of Health, February 2010, are incorporated by reference. They are available through the Minitex interlibrary loan system and the Minnesota Department of Health Web site at <http://www.health.state.mn.us/healthreform/baskets/>. They are not subject to frequent change.

## Commissioners' Orders

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

## Minnesota Department of Natural Resources (DNR) Commissioner's Order: Identification of Known Calcareous Fens

**Effective Date: December 7, 2009**

**Statutory authority: *Minnesota Statutes*, section 103G.223**

This Order supplements: Identification Order No. 08-001, dated May 6, 2008, published June 2, 2008 (32 SR 2148-2154) Commissioner's Order dated August 20, 2009, published August 31, 2009 (34 SR 278)

# Commissioner's Orders

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**WHEREAS**, calcareous fens, as identified by the Commissioner of Natural Resources by written order published in the *State Register*, may not be filled, drained, or otherwise degraded, wholly or partially, by any activity, unless the commissioner, under an approved management plan, decides some alteration is necessary, and;

**WHEREAS**, the commissioner issued orders identifying known calcareous fens in Minnesota dated May 6, 2008 (published in the *State Register* on June 2, 2008; 32 SR 2148-2154), and August 20, 2009 (published August 31, 2009; 34 SR 278), and;

**WHEREAS**, additional calcareous fens have since been discovered and verified and the status, location and names of certain previously identified calcareous fens require revision;

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 103G.223, that:

1) in addition to those identified in the May 6, 2008 and August 20, 2009 Orders, the following described lands have been identified as containing a calcareous fen as defined in *Minnesota Rules*, part 8420.0935, subpart 2:

County	Calcareous Fen Site Name	Fen ID No.	Township	Range	Section
Becker	Hamden 36	34839	140N	42W	NWNW36
Cottonwood	Amo 2	35483	106N	37W	SESE02
Cottonwood	Storden 34	35383	107N	37W	NENE34
Norman	Agassiz-Nelson WMA	35480	146N	45W	NW36
Norman	Spring Creek 25	35479	146N	45W	NWSW25
Polk	Thorson Prairie WMA South-a	35142	148N	45W	SE08
Polk	Thorson Prairie WMA South-c	35143	148N	45W	NWSE05
Polk	Thorson Prairie WMA South-d	35144	148N	45W	SWNE05

2) the calcareous fen previously identified as "Onstad Beach Ridges," Fen ID No. 33545, Polk County, T148N, R45W, NE08 is renamed "Thorson Prairie WMA South - b."

3) the lands previously described as containing the Chester 24 Fen (Fen ID No. 35384) are revised as follows: Polk County, T150N, R40W, SN24, NNSW24, NSE24.

4) the lands previously described as containing the Gully 30 Fen (Fen ID No. 35382) are revised as follows: Polk County, T150N, R39W, NNE30, NENW30, SSSE19

5) the calcareous fen previously identified as "White Earth 1," Fen ID No. 34595, Becker County, T142N, R41W, NE06 is renamed "White Earth 6" and the Section location is corrected to NW06.

The complete list of identified calcareous fens is available at:

[http://files.dnr.state.mn.us/publications/waters/calcareous\\_fen\\_list\\_nov\\_2009.pdf](http://files.dnr.state.mn.us/publications/waters/calcareous_fen_list_nov_2009.pdf)

Date signed: 23 November 2009

Mark Holsten, Commissioner  
Department of Natural Resources

## 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.

## See these *Important Notices*

The Official Notices section gives you a “heads up” on important state meetings and announcements. The *State Register* reaches a huge audience of interested “eyes” every week. Remember to publish your notices here - it only costs \$13.60 per 1/10 of a page used in the *State Register* - it’s the least expensive legal advertising in the state.

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.

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## Minnesota Board of Chiropractic Examiners REQUEST FOR COMMENTS on Possible Rules Governing Pre-paid Care Plans, *Minnesota Rules, 2500.xxxx*

**Subject of Rules.** The Minnesota Board of Chiropractic Examiners requests comments on its possible rules governing Pre-paid Care Plans. The Board is considering rules that give guidelines for the establishment and utilization of pre-paid chiropractic care plans.

**Persons Affected.** The rules would likely affect Chiropractors that accept cash and/or non-insurance, non-third-party-payor patients as part of their practice.

**Statutory Authority.** *Minnesota Statutes*, section 148.08, authorizes and requires the Board to adopt rules necessary to administer the Practice Act, *Minnesota Statutes* 148.01 to 148.105, and protect the health, safety, and welfare of the public.

**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 will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** The Board does not anticipate that a draft of the rules will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions, and requests for more information on these possible rules should be directed to: Micki King at The Minnesota Board of Chiropractic Examiners, 2829 University Avenue SE, Suite 300, Minneapolis Minnesota 55414-3220, **phone:** (651) 201-2849, and **e-mail:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us). **TTY** users may call the Board at 1-800-627-3529.

**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.

# Official Notices

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

Dated: 2 December 2009

Larry A. Spicer, D.C., Executive Director  
Minnesota Board of Chiropractic Examiners

## Minnesota Comprehensive Health Association (MCHA) Notice of Board of Directors Meeting December 16, 2009

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 9:00 a.m. on Wednesday, December 16, 2009 at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

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

## Department of Human Services (DHS) Vacancies on Medicaid Citizens' Advisory Committee

Pursuant to title 42, part 431, section 12 (42 CFR §431.12) of the *Code of Federal Regulations* governing the Medicaid Program, the Minnesota Department of Human Services seeks applications from Medicaid (Medical Assistance) clients and others interested in serving on the Medicaid Citizens' Advisory Committee. The purpose of the committee is to ensure that continued high quality health and medical services are provided to low-income persons. The committee, representing Medicaid clients, advises the Department and helps define the Medicaid Program, including the relationship to future technological needs. Specifically, the committee explores designated problem areas, evaluates Department programs, makes specific recommendations and resolutions, and contributes to the formulations of Department policy and standards.

New members will be appointed for the years 2010-2011. Committee meetings are typically held quarterly at the Department of Human Services, 540 Cedar St. St. Paul, Minnesota. Employees of the State of Minnesota (except for employees of the Department of Health) and private persons or organizations under contract to the Department of Human Services for administrative services will not be appointed to the committee.

For further information, contact Lisa Knazan, Minnesota Department of Human Services at (651) 431-2298, or: [lisa.knazan@state.mn.us](mailto:lisa.knazan@state.mn.us) TTY/TDD users can call the Minnesota Relay Service at 711 or 1-800-627-3529. Letters of interest should be sent to: Lisa Knazan, Federal Relations, Health Care Administration, Minnesota Department of Human Services, P.O. Box 64983, St. Paul, Minnesota 55164-0983 or to [lisa.knazan@state.mn.us](mailto:lisa.knazan@state.mn.us)

Letters of interest will be accepted until Monday, January 4, 2010.

**Department of Labor and Industry (DLI)  
Labor Standards Unit  
Notice of Prevailing Wage Determinations for Highway/Heavy Projects**

On December 07, 2009, the commissioner determined and certified prevailing wage rates for Highway/Heavy construction projects in each of 10 regions statewide.

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

Steve Sviggum, Commissioner  
Department of Labor and Industry

**Department of Public Safety (DPS)  
Bureau of Criminal Apprehension  
Notice of Information Meeting January 20, 2010**

The Minnesota Bureau of Criminal Apprehension will hold a meeting from 9 a.m. to 11:30 a.m. on Wednesday, January 20, 2010 to discuss progress on several BCA initiatives regarding criminal justice information sharing in the state of Minnesota. Specific project updates will be provided, including eCharging/eCitation and Statewide Citation Standard, plus information on other integration efforts and a look at the Catalog of Services. The meeting will take place at the Bureau of Criminal Apprehension offices at 1430 Maryland Ave. E. in St. Paul. In addition, limited participation may take place via web conference. (To make arrangements to participate remotely, please contact Jill Oliveira at the information listed below.)

Vendors, particularly those working with local agencies to manage records, as well as agency information technology staff are encouraged to attend this meeting. Please RSVP. For more information, or to RSVP, contact Jill Oliveira, Public Information Officer, at (651) 793-2726 or: [jill.oliveira@state.mn.us](mailto:jill.oliveira@state.mn.us)

**Teachers Retirement Association (TRA)  
Notice of Meeting of the Board of Trustees December 16, 2009**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, December 16, 2009 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.



# 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.

## Grants for Clients

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

## Department of Administration (Admin)

### STAR Program

### Notice of Cosponsorship Funds for Transition Training

The STAR Program is pleased to announce the availability of \$10,000 in cosponsorship funds for transition training held in Minnesota. Training should focus on **transition and the use of Assistive Technology to assist students with disabilities who receive transition services under IDEA or adults with disabilities who are maintaining or transitioning to community living and/or employment.** The primary audience for training must be people with disabilities, their families or professionals.

Trainings must be held no later than **July 16, 2010**. **Eligible applicants are** Minnesota associations/organizations/schools that provide services to individuals with disabilities and their families, advocates, providers or professionals; Minnesota chapters of national organizations; national organizations that are holding a conference in Minnesota; or out of state organizations that are holding a conference where cosponsorship funds will be used to support the participation of Minnesota residents. The maximum award per applicant is \$2,000. **Application deadline is Tuesday, December 29, 2009 at 3:00 p.m. CST.** Please note: The STAR Program reserves the right to award less than the maximum of \$2,000 to an applicant, refuse to cosponsor a conference, or withdraw the availability of funds with notice.

For additional information or to request an application form, please contact:

Joan Gillum  
STAR Program  
358 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
**Phone:** (651) 201-2640  
**Toll free:** (651) 888-234-1267  
**TTY:** (800) 627-3529 or Minnesota Relay Service or 711  
**E-mail:** [star.program@state.mn.us](mailto:star.program@state.mn.us)

The application is also available at [www.starprogram.state.mn.us](http://www.starprogram.state.mn.us).

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## State Grants & Loans

### Department of Employment and Economic Development (DEED) and the Minnesota Statewide Independent Living Council (SILC) Request for Proposals from Qualified Agencies for Emergency Preparedness Planning for People with Disabilities

The Minnesota Department of Employment and Economic Development (DEED), in collaboration with the Minnesota Statewide Independent Living Council (SILC), is seeking proposals from qualified Minnesota organizations/agencies working on emergency preparedness planning for people with disabilities.

**Eligible Applicants:** Eligibility for funding under this request for proposal is limited to Minnesota Centers for Independent Living, public and private nonprofit agencies/organizations, and other state and local entities serving people with disabilities.

**Funding Source:** Federal Title VII Part B of the Rehabilitation Act.

**Available Funding:** \$65,000 (one-time funding)

**Grant Period:** January 1, 2010 through September 30, 2010.

**Application Deadline:** Applications must be postmarked by December 31, 2009. **Applications postmarked after the deadline shall not be reviewed.**

For additional information, or to obtain a copy of the RFP, please contact:

Brad Westerlund  
Rehabilitation Specialist  
Minnesota Department of Employment and Economic Development  
332 Minnesota Street  
Suite E200  
St. Paul, MN 55101  
**Telephone:** (651) 259-7351  
**E-mail:** [brad.westerlund@state.mn.us](mailto:brad.westerlund@state.mn.us)

### Minnesota Department of Human Services (DHS) Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans Notice of Request for Proposals to Provide Online Video, Written and Webinar Content

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to provide webinars on captioning, online advocacy instruction in English and American Sign Language and video production in American Sign Language.

Work is proposed to start February 15, 2010. For more information, or to obtain a copy of the Request for Proposal, contact:

Mary Margaret Hartnett  
Department of Human Services  
Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans  
444 Lafayette Road North  
St. Paul, MN 55155 3814  
**Phone:** (651) 431-5965  
**Fax:** (651) 431-7588  
**E-mail:** [mary.hartnett@state.mn.us](mailto:mary.hartnett@state.mn.us)

# State Grants & Loans

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

Proposals are due January 4, 2010 at 4:00 pm CST.

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, TBD. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

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.

## State Contracts for Your Clients

The *State Register* is one of the best ways to advertise your contracts - 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.

Also, a summarized list of **all "active" contracts and grants** is available for subscribers only. Subscribers also receive LINKS to the *State Register*; as well as Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. Subscribers open their State Register and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

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

Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** [cathy.hoekstra@state.mn.us](mailto:cathy.hoekstra@state.mn.us)

**Minnesota State Colleges and Universities (MnSCU)****Alexandria Technical College****Request for Contract to Provide Food Service and Catering Services on Campus**

Alexandria Technical College is seeking a contract to provide food service and catering services on its campus. This RFP shall not obligate Alexandria Technical College to award a contract. RFP information is available at: [alextech.edu/RFP](http://alextech.edu/RFP) or by calling David Bjelland for a free copy at: (320) 762-4407. You may also e-mail David Bjelland at: [davidb@alextech.edu](mailto:davidb@alextech.edu). Proposal must be sent to David Bjelland at Alexandria Technical College, 1601 Jefferson Street, Alexandria, MN 56308. Alexandria Technical College personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline. Proposals must be submitted by January 19, 2010 at 4:00 pm.

**Minnesota State Colleges and Universities (MnSCU)****Dakota County Technical College****Sealed Bids Sought for Printing of 2010 Summer/Fall Course Schedules**

**NOTICE IS HEREBY GIVEN** that Dakota County Technical College will receive bids for Printing of 2010 Summer/Fall Course Schedules. Bid documents are available at: <http://www.dctc.edu/go/rfb-print/>

Sealed bids must be received by 2:00pm Monday, Dec 14, 2009, at the following location:

Attn: Pat Adams  
Dakota County Technical College  
1300 145<sup>th</sup> St. E  
Rosemount, Mn 55068.

Dakota County Technical College reserves the right to reject any or all bids and to waive any irregularities or informalities in bids received. The College further reserves the right to cancel the solicitation if it is considered to be in its best interest

**Minnesota State Colleges and Universities (MnSCU)****South Central College****Advertisement for Bids for Nursing Simulation Lab Renovation**

**Sealed Bids for:** Nursing Simulation Lab Renovation  
South Central College  
1920 Lee Boulevard  
North Mankato, Minnesota 56003

**will be received by:** Karen Snorek  
South Central College  
Administrative Offices  
1920 Lee Boulevard  
North Mankato, Minnesota 56003

Until 2:00 PM, local time, Wednesday, January 6, 2010 at which time the bids will be opened and publicly read aloud.

**Project Scope:** This project consists of the remodeling of approximately 2000 sf. of space into a nursing simulation lab. The work includes minor demolition, floor/wall/ceiling finishes, electrical, mechanical, fire protection, and some architectural woodwork.

# State Contracts

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A **Pre-Bid Meeting** will be held at 10:00 AM, Friday, December 11, 2009, in Health Sim Room E136, South Central College, North Mankato Campus, 1920 Lee Boulevard, North Mankato, Minnesota. 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; Rafferty Rafferty Tollefson Lindeke Architects, Inc. are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: Mid-Minnesota, Albert Lee, Austin, Rochester, Mankato, plus St. Paul, Minneapolis, Duluth and Fargo-Moorhead].
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

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

Rafferty Rafferty Tollefson Lindeke Architects, Inc.  
278 East 7th Street  
St. Paul, MN 55101  
Phone: (651) 224-4831

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 Rafferty Rafferty Tollefson Lindeke Architects, Inc.) for \$50.00 per set. Such payments may be sent prior to December 28, 2009. 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) St. Cloud State University Advertisement for Bid for Consulting Services of a Commissioning Agent for National Hockey Events Center

Sealed proposals for services hereinafter described will be received by St. Cloud State University at the Business Services Office, AS 122, St. Cloud Minnesota until **3:00 PM on December 23, 2009** and will be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein. Bids are requested for: **Consulting Services - Commissioning Agent for National Hockey Events Center** as per Request for Proposal available in the Business Services Office, St. Cloud State University.

For further information contact:

Lisa Sparks  
Director of Purchasing  
St. Cloud State University – AS 122  
720 - 4<sup>th</sup> Ave. South  
St. Cloud, MN 56301-4498  
**Phone:** (320) 308-4788,  
or  
Doris Frieler  
**Phone:** (320) 308-4001

**Minnesota State Colleges and Universities (MnSCU)****Winona State University****Request for Bids for a Powerware Blade UPS 24kW UPS System (Upgradeable to 60kW), Web-SNMP Card/software, Startup and Maintenance**

**NOTICE IS HEREBY GIVEN** that Winona State University is seeking bids for a Powerware BladeUPS 24kW UPS system (upgradeable to 60kW), including Web-SNMP card/software, startup and maintenance.

Bid specifications will be available December 7, 2009 by contacting the Purchasing Department at P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987, **e-mail:** [sschmitt@winona.edu](mailto:sschmitt@winona.edu) or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at P.O. Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 PM Monday, December 21, 2009.

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

**Minnesota Historical Society (MHS)****Notice of Request for Bids for Minnesota History Center Library Storage Area Remodeling**

The Minnesota Historical Society (Society) is seeking bids from qualified and experienced contractors for construction and finishing services related to the remodeling of the Minnesota History Center's Library's storage area. The project may begin as of Monday, February 1, 2010 and must be completed by Friday, April 30, 2010. Please refer to the Request for Bids for details.

The Request for Bids is available from Mary Green-Toussaint, the Society's Purchasing Coordinator, via e-mail:  
[mary.green-toussaint@mhhs.org](mailto:mary.green-toussaint@mhhs.org)

**A MANDATORY pre-bid informational meeting** will be held at 9:00 a.m. on Tuesday, December 15, 2009. Please refer to the Request for Bids for details.

Bids must be received by 2:00 p.m. Local Time on Tuesday, January 4, 2010. Late bids will not be considered.

Dated: December 7, 2009

**Minnesota State Lottery****Request for Proposals for Sponsorship Agreements****Description of Opportunity**

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

**Proposal Content**

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

**1. Maximize Lottery Visibility** – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household



# State Contracts

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income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.

**2. Enhance Lottery Image-** – the event, sports or tie-in proposal should inherently project the attitude that the Lottery is a fun and socially acceptable part of the community. The Lottery’s presence should fit well within the lineup of other sponsors. The Lottery is interested in creating opportunities whereby the sponsorship can translate into sales revenue, either via on-site sales from a Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor’s media partners.

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

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

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

## Questions

Questions concerning this Solicitation should be directed to:

John Mellein, Marketing Director  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
**Telephone:** (651) 635-8230  
**Toll-free:** (888) 568-8379 ext. 230  
**Fax:** (651) 297-7496  
**TTY:** (651) 635-8268  
**E-mail:** [johnm@mnlottery.com](mailto:johnm@mnlottery.com)

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

## Response Delivery

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

# Department of Natural Resources (DNR) Notice of Availability of Contract for Project Management Training

The Minnesota Department of Natural Resources is requesting proposals for the purpose of implementing project management training throughout the department. Staff at the DNR routinely manage projects – from those involving only their own work units to multi-divisional or multi-agency projects. The majority of these employees have not received formal training in project management. Providing such training for employees will result in improved project leadership and project results department-wide.

This proposal will bring project management (“PM”) training to up to 500 DNR staff. Training will focus on the *process* of project management, not on a specific project management *software tool*. Three different classes are desired:

1. Executive overview course (high-level content, terminology). Likely to involve up to 150 staff.
2. Foundational project management skills course (for the broadest audience, ideally we will offer an online option and a live classroom option; both could be blended.). Likely to involve 150 – 300 staff.
3. Intermediate level course (for those with some project management experience already; we would like to offer an online and a live classroom option here as well. A blended approach will be considered). Likely to involve 30 – 70 staff.

Suggested detail of course content:

	Learn terminology	Develop project charter	Build project schedule, budget	Assemble project team	Role of project sponsor	ID effective project leaders	Maintain progress	Evaluate success of projects	ID common pitfalls	Demonstrate support for PM skills	Practice project planning	Benefits of standard DNR PM approach	Discuss PM tools available
<b>Executive Overview</b>	X			X	X	X		X		X		X	
<b>Beginning level</b>	X	X	X	X			X	X	X				X
<b>Intermediate level</b>	X	X	X	X			X	X	X		X		X

Work is proposed to start in January, 2010.

Vendors may bid on one, two, or all of the courses described above. A Request for Proposals will be available by mail from this office through December 10, 2009. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After December 10, 2009, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Dr. Erika Tierney Garms  
 Department of Natural Resources  
 500 Lafayette Rd., Box 49  
 St. Paul, MN 55155  
**Fax:** (651) 296-6494  
**E-mail:** [Erika.tierneygarms@state.mn.us](mailto:Erika.tierneygarms@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 **2:30 pm CST, December 16, 2009. Late proposals will NOT be considered.** Faxed or emailed 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 Notice of Sale of State Metallic Minerals Leases

**NOTICE IS HEREBY GIVEN** that a sale of leases to explore for, mine and remove metallic minerals in trust fund lands, lands and minerals forfeited for non-payment of taxes, lands and minerals otherwise acquired, and other state-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Aitkin, Benton, Carlton, Itasca, Morrison, Pine and Saint Louis Counties, is scheduled to be held on **Tuesday, January 12, 2010, at 9:00 a.m.** The sale will take place at **the Central Offices of the Division of Lands and Minerals, 4<sup>th</sup> Floor, East-West Conference Room DNR Building, 500 Lafayette Road, Saint Paul, Minnesota.** No land or water areas within the Boundary Water Canoe Area Wilderness or Voyageurs National Park are included in this or any State mineral lease sale.

The Commissioner will receive sealed bids and applications for leases covering minerals in state lands, in accordance with *Minnesota Rules*, parts 6125.0100 through 6125.0700 – the metallic mineral rules issued under the authority of *Minnesota Statutes*, Chapter 93. Each bid must be submitted on a form obtained from the Commissioner. Each bid form must be accompanied by a certified check, cashier's check, or bank money order, payable to the Department of Natural Resources in the sum of the following amounts: a) an application fee of \$100.00 for each mining unit bid upon; and b) rental for one full calendar year for each mining unit bid upon. All bids must be received

# State Contracts

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by the Commissioner at the office of the Division of Lands and Minerals, Fourth Floor, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045, before 4:30 p.m. on **Monday, January 11, 2010**.

On **Tuesday, January 12, 2010**, at the time specified, the Commissioner, or his representative will publicly open the bids and announce the amount of each bid separately. At a subsequent time, leases will be awarded by the Commissioner, with the approval of the State Executive Council, to the highest bidder for the respective mining units, but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the Rules or that do not comply with all provisions of the Rules. The State reserves the right, through the State Executive Council, to reject any or all bids.

The purpose of Minnesota's metallic minerals rules is to promote and regulate the prospecting for, mining and removal of metallic minerals on state-owned and state-administered lands. These Rules, and the leases issued under the Rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals that increase over the term of the lease; the payment of royalty for all ore mined and removed; the submission of data and other reports; and the submission of exploration plans. In addition, the lessee must comply with all applicable regulatory laws.

After the conclusion of the sale, each high bidder will be required to provide evidence demonstrating that the bidder is qualified to hold a State mineral lease pursuant to *Minnesota Rules*, part 6125.0410. The Rules state that a lease will only be issued to an applicant qualified to do business in Minnesota and qualified to conduct exploratory borings in Minnesota. In addition, the Commissioner may request evidence that the lease applicant is technically and financially capable of performing under the terms of a state mineral lease. The requested evidence must be provided within 45 days of the request from the Commissioner or the bids from that high bidder will be rejected.

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

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

The Mining Unit Book will be available at least 30 days prior to January 12, 2010. Application for each copy of the Mining Unit Book must be accompanied by a check or money order payable to the Department of Natural Resources in the sum of **\$25.00** as a fee for such Mining Unit Book plus shipping and applicable State of Minnesota Sales Tax. Mining Unit Books will also be available for inspection at the Hibbing and Saint Paul offices of the Division of Lands and Minerals, and on the internet through the DNR website at:

[http://www.dnr.state.mn.us/lands\\_minerals/index.html](http://www.dnr.state.mn.us/lands_minerals/index.html).

Dated: 20 November 2009

Kathy A. Lewis, Assistant Director  
Division of Lands and Minerals  
Minnesota Department of Natural Resources

## Department of Natural Resources (DNR) Request for Proposals for Mercury Emissions Control in Taconite Plants

### Statement of Objectives.

The State of Minnesota, Department of Natural Resources, Division of Lands and Minerals, in cooperation with the newly formed Minnesota Taconite Mercury Control Advisory Committee (MTMCAC), a consortium of representatives from industry, state agencies, and universities is seeking proposals in the following areas of mercury control:

1. Laboratory, pilot-scale, and/or plant testing involving:
  - a. Direct capture of Hg from process gas using carbon compounds,
  - b. Addition of compounds to process gas to promote oxidation and capture of Hg,

- c. Addition of compounds to wet scrubbers to improve Hg capture, and
  - d. Other novel technologies of potential use in taconite plants.
2. Perform experiments needed to evaluate technologies used in other industries that may be applicable to the taconite industry.

Successful respondents to this solicitation will be awarded a State of Minnesota 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. It is expected that up to \$2,000,000.00 will be available for this research.

Prospective responders who wish to receive an RFP or have any questions regarding this solicitation may contact:

Mike Berndt  
DNR-Lands and Minerals  
Box 45 500 Lafayette Road  
St Paul, MN 55155  
**Phone:** (651) 259-5378  
**E-mail:** [mike.berndt@dnr.state.mn.us](mailto:mike.berndt@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, December 31, 2009.

## Department of Public Safety (DPS) Bureau of Criminal Apprehension (BCA) Request for Proposals (RFP) for eCitation Adapter Development and Installation

The Minnesota Department of Public Safety, Bureau of Criminal Apprehension (BCA) is requesting proposals for the purpose of converting current eCitation submissions from Minnesota Courts to BCA's eCharging system.

The contract is anticipated to begin work on or around January 4, 2010 and end December 31, 2010. However, if funding is available and if additional services are required by the BCA after December 31, 2010, the BCA retains the option to extend the contract(s) with the selected contractor(s) for up to three additional one-year periods.

Request for Proposals will be available by mail or e-mail from this office through December 10, 2009. **A written request (by direct mail or email) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Maureen Janke  
BCA, MNJIS, Contracts and Grants Manager  
1430 Maryland Avenue East  
St. Paul, MN 55106  
**E-mail:** [Maureen.janke@state.mn.us](mailto:Maureen.janke@state.mn.us)

All questions concerning this RFP should be e-mailed to Maureen Janke. Deadline for submitting and accepting questions will be December 14, 2009 at 2:00 p.m. Central Standard Time (CST). A full collection of all the questions and answers will be e-mailed to all entities requesting a complete RFP by the end of business day December 15, 2009. Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than December 28, 2009 at 2:00 p.m. Central Standard Time (CST). **Late proposals will NOT be considered.** FAX or e-mailed proposals will **NOT** be considered.

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

# State Contracts

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## 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.

## Bring More Business to 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."

## Anoka County

### Notice of Request for Proposals for Technical Assistance Services for a Migration from Novell to Microsoft

**NOTICE IS HEREBY GIVEN** Anoka County is seeking to establish a contract with an outside consultant to provide technical assistance services to assist with the County's migration from Novell to Microsoft.

Proposals shall be submitted in exact accordance with the Request for Proposals (RFP) Package.

The Request for Proposals Package may be obtained at the Anoka County web site: <http://www.co.anoka.mn.us/bids>.

Proposal due date: January 8, 2010 at 4:00 pm Central Time.

If you have a disability and need accommodation, such as an interpreter or printed material in an alternate format (i.e., Braille, large print, or audio), contact Cindy Olson, Contract Specialist, at phone: (763) 323-5319, **TDD/TTY** (763) 323-5289.

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

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<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
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Product Subtotal \_\_\_\_\_

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