

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- Withdrawn Rules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
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- Revenue Notices
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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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## Proposed Rules

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

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

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

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

## Minnesota Racing Commission

### Proposed Permanent Rules Relating to Horse Racing

**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 Horse Racing, *Minnesota Rules*, 7869 Definitions;**

**7870 Licensure; 7873 Pari-mutuel Rules; 7876 Stabling; 7877 Class C Licenses; 7883 Horse Races;**

**7884 Harness Races; 7890 Horse Medication; 7892 Medical Testing; 7897 Prohibited Acts; 7899 Variances**

**Introduction.** The Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on September 9, 2009, the Commission will hold a public hearing in the Paddock Gardens Conference Room, Canterbury Park, 1100 Canterbury Road, Shakopee, Minnesota 55379, starting at 12:00 p.m. on Tuesday, September 22, 2009. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after September 9, 2009 and before September 22, 2009.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Richard Krueger at Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55379, **phone:** (952) 496-7950; **FAX:** (952) 496-7954, and **e-mail:** [richard.krueger@state.mn.us](mailto:richard.krueger@state.mn.us). **TTY** users may call the Racing Commission at 1-800-627-3529.



# Proposed Rules

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**Subject of Rules and Statutory Authority.** The proposed rules pertain to maintaining adequate medical personnel while reducing the expense of having an ambulance on site; reduce the number of betting interests for Superfecta wagering; revise language to reflect protected class status under Minnesota statute; include “microchip” as a form of horse identification; add reporting of alteration of the sex of a horse to trainer responsibilities; add to or redefine duties and responsibilities of veterinarians, Claims Clerk, and Ourriders; redefine who may claim a horse; prohibit or restrict the use of toe grabs or like equipment; redefine criteria to deny entry of a horse; define “biological product”; amend procedures for the taking of test samples; add to the Chapter on prohibited acts the removal of a horse from the stabling area that is entered in a race, and possession or use of a drug, substance, medication, biological product, or venom; revise disciplinary and appeal procedures; and revise the Chapter on variances with respect to part 7870.0500. The statutory authority to adopt the rules is *Minnesota Statutes*, section 240.23. Further statutory rulemaking authority, relating to the amendments contained herein, include *Minnesota Statutes* 240.13 Subd. 3 Pari-Mutuel Betting, *Minnesota Statutes* 240.08 Subd. 1 Occupational Licenses, *Minnesota Statutes* 240.24, subd. 1, Medication, and *Minnesota Statutes* 240.25 Subp.3(b) Prohibited Acts. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed and posted on the Commission’s website at: [www.mrc.state.mn.us](http://www.mrc.state.mn.us).

**Comments.** You have until 4:30 p.m. on Wednesday, September 9, 2009, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing, and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. You must make your request for a public hearing in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, September 9, 2009. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

**Cancellation of Hearing.** The Commission will cancel the hearing scheduled for September 22, 2009, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (952) 496-7950 after September 9, 2009 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Manuel J. Cervantes is assigned to conduct the hearing. Judge Cervantes can be reached at the Office of Administrative Hearings, 600 North Robert Street, P. O. Box 64620, St. Paul, MN 55164-0620; **telephone:** (651) 361-7945, and **FAX:** (651) 361-7936.

**Hearing Procedure.** If the Commission holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing

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## Proposed Rules

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

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

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person or on the Commission's website at [www.mrc.state.mn.us](http://www.mrc.state.mn.us).

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

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

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

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

July 20, 2009

Richard G. Krueger, Executive Director  
Minnesota Racing Commission

### 7869.0100 DEFINITIONS.

[For text of subps 1 to 57a, see M.R.]

Subp. 57b. **Stable area.** "Stable area" means that part of the grounds that contains the barn area, tracks, and paddock.

[For text of subps 58 to 69, see M.R.]

### 7870.0480 MEDICAL SERVICES.

A racetrack facility must provide at least the following medical facilities, equipment, and personnel:

- A. a fully equipped first aid room with at least two beds;
- B. a licensed physician or paramedic ~~and certified emergency medical technician on duty in the first aid room on all days during which horse racing is conducted on the grounds during live racing hours; and~~
- C. ~~an ambulance for humans with necessary equipment and staff whenever the facility is open for racing or exercising horses; an emergency response team of not less than two emergency medical technicians must be on the grounds and equipped with essential emergency equipment during qualifying and live racing, training, or horse exercising hours.~~

# Proposed Rules

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## 7873.0188 SUPERFECTA.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Restrictions on superfecta races.** In no event shall superfecta wagering be allowed with fewer than seven six betting interests. If for any reason superfecta wagering is canceled, all superfecta wagers must be refunded.

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

## 7876.0100 ON-TRACK STABLING.

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

Subp. 5. **Restrictions.** No action on a stall application shall be based upon:

A. the race, color, creed, religion, national origin, disability, marital status, sexual orientation, or sex of the applicant;

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

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

## 7876.0110 OFF-TRACK STABLING.

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

Subp. 2. **Requirements of commission must be met at racetrack.** All workout, tattooing, freeze branding, microchips, approval from the starting gate, and eligibility requirements of the commission or stewards must be secured at a licensed racetrack at which racing is being conducted. However, workouts may be obtained at sites approved by the commission and which are staffed by a clocker or clockers licensed by the commission.

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

## 7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

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

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

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

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier and racing secretary.

[For text of items O to T, see M.R.]

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

Subp. 9. **Veterinarians.** The following shall apply to veterinarians licensed by the commission:

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

C. All drugs, substances, medication, venom, or biological product administered, dispensed, or carried by a veterinarian on the grounds of an association must be FDA or USDA approved. A veterinarian may possess substances that are FDA or USDA approved, but not specifically for use on the horse, only by providing prior notice to the commission's veterinarian and the Board of Stewards. Veterinarians shall not possess medications or substances without a specific manufacturer's name, lot number, and expiration date.

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

I. No veterinarian shall have contact with an entered horse on race day except for administration of furosemide under the guidelines in part 7890.0100, subpart 13, and medical emergencies under the guidelines in part 7890.0160.

[For text of subps 9a and 10, see M.R.]

## 7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Claims clerk (thoroughbred, quarterhorse, and arabian only).** The claims clerk shall ensure that the claim slip for a horse is deposited in the claim box in accordance with part 7883.0140, subpart 2.



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# Proposed Rules

The claims clerk shall open the claim box, search for claim envelopes according to designated race numbers, open any envelopes found, and examine the claim slip inside no sooner than ~~ten~~ 15 minutes before post time for each race.

The claims clerk shall ascertain whether:

- A. errors exist in the form or deposit of the claim;
- B. the claimant has established eligibility to claim;
- C. the claimant has the amount of the claim to the claimant's credit; and
- D. persons acting on behalf of a claimant are authorized to do so.

The claims clerk shall immediately report all findings to the stewards, and shall issue a written authorization on behalf of the stewards for delivery of a horse to any claimant who is successful.

[For text of subps 8 to 12, see M.R.]

Subp. 13. **Outrider.** The outriders shall be responsible for the orderly conduct of horses on the race course during training and racing hours.

The outriders shall be present on the race course, mounted and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times that horses are permitted on the race course, for thoroughbred, quarterhorse, arabian racing, and for harness racing during racing periods.

The outriders shall escort to the post all horses starting in any race, and shall remain on duty until all horses on that program have been returned to their handlers.

Each outrider must comply with part 7877.0170, subpart 10, for each pony horse in his or her care.

[For text of subps 14 and 15, see M.R.]

## 7883.0140 CLAIMING RACES.

Subpart 1. **Who may claim.** In claiming races any horse is subject to claim for its entered price by any person who is eligible to claim or by his or her authorized agent. The following persons shall be eligible to claim:

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

D. An applicant for an owner's license who has not previously had a horse registered to race at the current meeting and who purchases a horse registered to race by private sale, provided that ~~21 calendar days, not including the date of the sale, have elapsed between the date of the private sale and the date of the claim~~ the applicant is eligible to be licensed pursuant to part 7877.0130, subparts 1 and 2.

[For text of subps 2 to 30, see M.R.]

## 7883.0170 RACING EQUIPMENT.

A. No bridle shall weigh more than two pounds, and no whip shall weigh more than one pound. No whip shall be used unless it has affixed to its end a leather popper not less than 1-1/4 inches in width, and not over three inches in length, and be feathered above the popper with not less than three rows of leather feathers, each feather not less than one inch in length. No whip shall exceed 31 inches in length. All whips are subject to inspection and approval by the stewards. Toe grabs other than wear plates with a height no greater than four two millimeters (0.15748 0.07874 inches), bends, jar caulks, stickers, and any other traction device worn on the front shoes of horses while ~~flat~~ racing or training on any track surface or condition all racing surfaces are prohibited.

B. Once inspected and approved by the stewards, no changes may be made in the equipment covered by this part, without subsequent approval of the stewards.

## 7884.0120 ELIGIBILITY AND ENTERING.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Conditions precedent to entering.** No horse shall be permitted to enter to race unless:

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

C. if the horse is leased;

- (1) a copy of the lease is on file with the association and the USTA; and
- (2) the horse races in the name of the lessee;

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

[For text of subps 8 to 12, see M.R.]

Subp. 13. **Horses denied entry.** A horse that is on the qualifying list, starter's schooling list, stewards' list, ~~veterinarian's list~~, or bleeder

# Proposed Rules

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list, and not removed from that list, shall not be entered.

[For text of subps 14 and 15, see M.R.]

## 7890.0100 DEFINITIONS.

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

Subp. 3b. **Biological product.** “Biological product” means any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention, treatment, or cure of diseases or injuries.

[For text of subps 4 to 21, see M.R.]

## 7890.0120 REPORTING PROCEDURES.

Subpart 1. **Veterinarians must keep records.** Veterinarians must submit daily to the commission veterinarian, in writing on a prescribed form, a report of all horses treated. The form shall contain the date and time, name of horse treated, trainer of horse, any medications, drugs, substances (as provided in part 7890.0100, subpart 13, items A to D), or procedures prescribed, administered, dispensed, or performed for horses registered at a current race meeting, and any other information requested by the commission veterinarian. The form must be filed by the treating veterinarian not later than post time of the race for which the horse is entered. The form shall be signed by the treating veterinarian. The form is considered confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of chapters 7869 to 7899, or in a proceeding before the stewards or commission, or to the trainer or owner of record at the time of treatment. A timely and accurate filing of the form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

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

Subp. 3. **Administration of furosemide to be reported.** If a horse is to race with a permitted level of furosemide in its system, the trainer is responsible for legibly and clearly marking this information on the entry blank for each race in which the horse shall use a permitted level of furosemide.

## 7890.0160 RESPONSIBILITY OF VETERINARIAN.

No veterinarian may administer a medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13, or in the case of a medical emergency requiring immediate treatment, without the prior permission of the commission veterinarian. No veterinarian may place a nasogastric tube in a horse that is scheduled to race within 48 hours, except in the case of a medical emergency requiring immediate treatment. No veterinarian may enter the stall of or otherwise handle a horse that is scheduled to race ~~within four hours on race day~~, except in the case of a medical emergency requiring immediate treatment without the prior permission of the commission veterinarian. In emergency cases it is the responsibility of the attending veterinarian to notify the commission veterinarian of the nature of the emergency and the exact treatment provided. The notification must be made as soon as practical (within one-half hour of an emergency that occurs during training or racing hours or by 8:00 a.m. on the morning following an emergency which occurred during evening or night hours) and on a form prescribed by the commission. At the request of the commission veterinarian, the veterinarian must provide radiographs, laboratory tests, and results of other diagnostic procedures within 24 hours.

## 7892.0120 TAKING OF SAMPLES.

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

Subp. 3. **Witnesses.** The taking and sealing of any test sample must be witnessed or acknowledged by the signature of the trainer of the horse or ~~his or her~~ the trainer’s designee or in the event of an emergency involving an entered horse on race day in the stable area of a Class A licensee by another licensee present at the scene. The owner ~~and/or~~ or trainer of a horse, or ~~their designees~~ a designee, may be present at all times during the taking and sealing of the test samples.

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

### Subp. 5. **Split samples.**

A. A portion of the sample from each horse tested, after a sufficient amount has been sent to the official laboratory, must be preserved by the commission. In the absence of urine for split sample testing, urine from the original testing laboratory, if available, may be sent to the designated split sample laboratory for analysis. It must be available for testing at the request of a person accused of a violation of chapter 7890. The commission shall approve a list of laboratories which may provide split sample testing. From this list, a person accused of a violation of chapter 7890 shall designate the laboratories in descending order of preference. The sample must be sent

to the laboratory given the highest preference and that is capable of testing for the substance within 14 days. The commission veterinarian shall have overall responsibility for the storage, safeguarding, and shipment of the split sample and for the receipt of results from the drug testing laboratory to which the sample was sent.

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

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

### 7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 14, see M.R.]

Subp. 15. **Removing a horse without permission.** No person shall remove from the stable area of a licensed racetrack any horse without the written permission of the racing secretary or the stewards. No person shall remove from the stable area of a licensed racetrack any horse that is in the entries without written permission of the stewards.

[For text of subps 16 to 19, see M.R.]

#### Subp. 20. **Possession or use of a drug, substance, medication, biological product, or venom.**

A. No person may possess or use a drug, substance, medication, biological product, or venom on the premises of a facility under the jurisdiction of the commission:

- (1) for which a recognized analytical method has not been developed to detect and confirm the administration of such substance;
- (2) the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or
- (3) the use of which may adversely affect the integrity of racing.

B. No person may possess or use a drug, substance, medication, biological product, or venom on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Department of Agriculture (USDA) or the FDA for any use in human or animal without prior permission of the stewards and commission veterinarian.

C. No person may possess or use venom or blood doping agents, including but not limited to those listed in subitems (1) to (4) on the premises of a facility under the jurisdiction of the commission.

- (1) Hemopure®;
- (2) Erythropoietin;
- (3) Darbepoetin; or
- (4) Oxyglobin®.

### 7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

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

Subp. 4. ~~Review or complaint~~ **Appeal by director or motion of commission or deputy director.** Nothing in this chapter precludes the ~~commission director or deputy director~~ from instituting proceedings to review appeal a stewards' decision ~~on its own motion or complaint of the director.~~

[For text of subps 5 to 9, see M.R.]

### 7899.0100 VARIANCES.

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

Subp. 4. **Standards for granting and denying variance requests.** The commission shall grant a variance to the application of any of its rules except those in subpart 1 only if it determines that all of the following criteria have been met:

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

F. with respect to variances concerning part 7870.0500, ~~subparts subpart 5 to 9~~, demographic or geographic evidence supports the variance request.

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

## Official Notices

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

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

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## Board of Animal Health

### Notice of Quarterly Meeting September 2, 2009

The Minnesota Board of Animal Health will hold its quarterly meeting on Wednesday, September 2, 2009. The meeting will take place at Arrowwood Resort & Conference Center, 2100 Arrowwood Lane NW, Alexandria, MN 56308 at 9:30 a.m. in the Itasca room.

## Minnesota Comprehensive Health Association

### Notice of Board of Director's Strategic Planning Meeting August 17, 2009

**NOTICE IS HEREBY GIVEN** that a Strategic Planning meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 1:00 p.m. on Monday, August 17, 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.

## Executive Council

### State Board of Investment

### Land Exchange Board

### Investment Advisory Council

### Notice of Meeting of the Investment Advisory Council August 19, 2009, and the Executive Council, State Board of Investment, the Land Exchange Board on Tuesday, September 29, 2009

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Tuesday, September 29, 2009 at 9:00

A.M. in Room 123, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Wednesday, August 19, 2009 at 12:00 Noon at the State Board of Investment, Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

## **Department of Health**

### **Notice of Patient Access to Health Records Notice of Rights Requirements to Provide Notice to Patients and Copy of Notice**

**Introduction.** The Minnesota Department of Health has updated the Access to Health Records Notice of Rights document. The Notice informs patients how they may access and obtain copies of their health records. The notice also informs patients how their health records may be disclosed without their consent. A copy of the Notice is published in this issue of the *State Register*. The original Notice was published at 19 *State Register* 1739 as required by *Minnesota Statutes*, section 144.335, subdivision 5a. This Notice was developed and is being published as required by *Minnesota Statutes*, section 144.292, subdivision 4. This notice is also available in Hmong, Russian, Somali, Spanish, and Vietnamese languages. This Notice has been updated to reflect changes in statutory reference, state agency names, an informational phone number change.

**Updated.** During the 2007 legislative session, the Minnesota Health Records Act, *Minnesota Statutes*, section 144.335, was both modified and recodified. *Minnesota Statutes*, section 144.335, subdivision 5a, has been recodified to *Minnesota Statutes*, section 144.292, subdivision 4. This Notice has been updated to reflect changes in the name of state agencies that specific health record information may or must be released to for specific purposes or after certain conditions are met. This Notice has been updated to reflect the current phone number for contacting the Minnesota Department of Health for additional information.

**Health Care Providers are Required to Post this Notice.** If you are a health care provider, you are required by *Minnesota Statutes*, section 144.292, subdivision 4, to provide this Notice to patients in a clear and conspicuous manner. This requirement is satisfied if this Notice is included with the notice and copy of the patient and resident bill of rights or if this Notice is displayed prominently in the provider's place of business.

**Additional Copies and Questions.** If you need additional copies or non-English versions of this Notice, you may download them from the Minnesota Department of Health website [<http://www.health.state.mn.us> and search on "access to health records"], write to the Minnesota Department of Health at: Minnesota Department of Health, Health Policy Division, Health Information Clearinghouse, P.O. Box 64882, St. Paul, MN 55164, or call the Minnesota Department of Health, Health Information Clearinghouse at (651) 201-5178, TTY users dial 651-201-5797.

Dated: August 10, 2009

Sanne Magnan, M.D., Ph.D., Commissioner  
Minnesota Department of Health

## **Metropolitan Council**

### **Notice of Change in the Disadvantaged Business Enterprises Eligibility for USEPA's Clean Water and Drinking Water Revolving Fund Projects**

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council (Met Council) has changed the Disadvantaged Business Enterprises (DBE) eligibility for USEPA's Clean Water and Drinking Water Revolving Fund projects.

Only businesses certified by the Minnesota Unified Certification Program (MUCP) will be eligible for credit on Met Council contracts with DBE goals. In the past, the Met Council has recognized Women Business Enterprises (WBE) and Minority Business Enterprises (MBE) certified by the Minnesota Department of Administration's Targeted Group / Economic Disadvantaged program for United States Environmental Protection Agency funded construction projects. Moving forward, only women and minority owned businesses certified as a DBE by the MUCP will be recognized.



# Official Notices

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## Minnesota Department of Natural Resources

### Division of Parks and Trails

### Division of Forestry

## REQUEST FOR COMMENTS on Possible Amendment to Rules Governing State Parks and State Forest Land including State Parks, State Recreation Areas and State Waysides, *Minnesota Rules*, Parts 6100.0100 to 6100.2400

**Subject of Rules.** The Minnesota Department of Natural Resources requests comments on its possible amendment to rules governing State Parks, State Recreational Areas, State Forest Lands and State Waysides. The Department is considering rules and rule amendments consistent with each unit classification that address new and emerging recreational activities and technologies, including camping in camper cabins, ski-journing, geo-caching, collecting shed antlers, gathering certain edible plants for personal use. Modification of rules would provide for organized public activities, extend State Park and State Recreation Area hours of operation, change camping registration and campsite use requirements, permit seasonal lease of campsites, and allow physically disabled persons to use electric mobility devices on park roads and trails. Proposed changes would identify recreational activities permitted on certain State Recreation Areas including target shooting on shooting ranges, dog field trials and dog training. The proposed rules would also make technical changes due to statutory changes and clarify and make recreation rules consistent with other recreational rules regarding state lands.

**Persons Affected.** Amendment of the rules may affect individuals and organizations that recreate on State Parks, State Recreation Areas, State Forest lands and State Waysides; hikers, campers, cross-country skiers, snowmobilers, hunters, anglers, and others. Individuals and businesses that use these lands for special events and commercial purposes may be affected; timber harvesters, outfitters, recreation providers, media and educational institutions.

**Statutory Authority.** *Minnesota Rules* Parts 6100.0100 to 6100.2400 are authorized by *Minnesota Statutes*, sections 16A.1285, 84.03, 85.052, 85.053, 85.20, 86A.05, 86A.06, 89.031, 89.19, 89.20, 89.21 and 89.71.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on September 30, 2009. The Department does not contemplate appointing an advisory committee to comment on the possible rules.

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

**Agency Contact Person.** Written comments, questions or requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Jade Templin, at Department of Natural Resources, Division of Parks and Trails, 500 Lafayette Road, St. Paul, MN 55155-4039; **phone:** (651) 259-5598; **FAX:** (651) 297-1157, and **e-mail:** [recreationrules@dnr.state.mn.us](mailto:recreationrules@dnr.state.mn.us) TTY users may call the Department (651) 296-5484 or toll-free 1-800-657-3929.

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

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

Dated: August 4, 2009

Courtland Nelson, Director  
Division of Parks and Trails  
Department of Natural Resources

## **Minnesota Pollution Control Agency**

### **Environmental Analysis and Outcomes Division**

### **Public Notice of Extension of Time to Submit Comments on Revised Draft State Implementation Revision**

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Minnesota Pollution Control Agency (MPCA) is extending the time for submission of comments, requests, and petitions on the Revised Draft State Implementation Plan (SIP) Revision for Regional Haze until September 3, 2009. The purpose of this SIP revision is to address visibility protection at national parks, wildernesses, and scenic areas, also referred to as mandatory Class I Federal areas.

The MPCA will consider changing the contents of the proposed SIP revision based on comments received during the comment period. Following the end of the comment period, the Commissioner will decide whether to submit the proposed SIP revision to the EPA unless, as provided by *Minnesota Statutes* § 116.02, the MPCA Citizens' Board makes this decision.

**MPCA Contact Person.** The MPCA contact person is Catherine Neuschler. Written comments, requests and petitions should be mailed to: Catherine Neuschler, Minnesota Pollution Control Agency, Environmental Analysis and Outcomes Division, 520 Lafayette Road North, St. Paul, MN 55155-4194; **telephone number:** (651) 757-2607; **Voice or toll free:** 1-800-657-3864; **facsimile number:** (651) 297-8324; and **e-mail:** *catherine.neuschler@state.mn.us*. **TTY** users may call the MPCA at TTY (651) 292-5332 or 1-800-657-3864.

**Availability of SIP.** A copy of the proposed SIP revision is available on the MPCA's **Web site** at:

*<http://www.pca.state.mn.us/air/regionalhaze.html>*.

A copy of the proposed SIP is also available upon request by contacting Catherine Neuschler at (651) 757-2607, or will be mailed to any interested person upon the MPCA's receipt of a written request. Materials relating to the SIP revision are available for inspection by appointment at the MPCA St. Paul Office, 520 Lafayette Road North, St. Paul, Minnesota 55155, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. To examine these materials in St. Paul, or for more information, please contact Catherine Neuschler. All MPCA offices may be reached by calling 1-800-657-3864.

**Public Comment Period.** The original public notice was published on July 20, 2009 in the State Register (34 SR 92). That notice indicated that the public comment period would end on August 19, 2009. This notice is extending the public comment period to September 3, 2009. Comments must be received in writing at the MPCA by 4:30 p.m. on September 3, 2009. Written comments may be submitted to the MPCA contact person at the address, facsimile number, or E-mail address listed above.

**Request to Have MPCA Citizens' Board Make Decision.** You have the right to submit a petition to the MPCA Commissioner asking that the MPCA Citizens' Board make the decision on submitting the proposed SIP revision to the EPA. Your petition must be in writing. Whether the petition will be granted or denied is in the sole discretion of the MPCA Commissioner. The MPCA Citizens' Board will only make the decision on the proposed SIP revision if the MPCA Commissioner grants your petition or if an MPCA Citizens' Board member makes a timely request to have the decision made by the MPCA Citizens' Board.

Paul Eger, Commissioner  
Minnesota Pollution Control Agency

# Official Notices

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## Minnesota Pollution Control Agency Remediation Division

### Notice of Intent for Private Development of a Pilot Project for Solar Installation at Two Closed Landfills and Request for Comment

**Public Comment Period Begins: August 10, 2009**

**Public Comment Period Ends: September 9, 2009**

The Minnesota Pollution Control Agency (MPCA) is soliciting letters of intent for private development of a **pilot** project for solar installation at two closed landfills. Interested parties can express interest in one of the following sites.

<b>Sun Prairie</b>	(located in LeSueur County-Lexington Township)
<b>Salol</b>	(located in Roseau County-Enstrom Township)
<b>Olmsted</b>	(located in Olmsted County-Oronoco Township)
<b>Long Prairie</b>	(located in Todd County-Bruce Township)
<b>La Grand</b>	(located in Douglas County-LaGrand Township)

The most recent site reports and information about the status of these landfills can be found on the MPCA web site at:

***<http://www.pca.state.mn.us/cleanup/clp-sitereports.html#s>***.

While unlikely, interested parties should be aware that any closed landfill site could require response actions to address a threat to human health or the environment during the pilot project time frame. Closed landfill sites can also experience challenging site conditions, including significant settling of the waste.

Individuals or companies may contact the staff representative, in writing, of their interest in developing a pilot project under the following conditions:

- Data regarding potential solar production/site attributes is submitted to MPCA and is public data.
- Solar installation cannot interfere with response actions and equipment. Design is subject to MPCA approval.
- The pilot is at no cost to MPCA. For example, MPCA will incur no unreimbursed expense for security, equipment, construction, maintenance, or mitigation of damage to the landfill site due to the solar installation and operation.
- Closed landfill site is leased at *no cost to the developer* from the MPCA for 20 years.
- MPCA receives a negotiated portion of the electricity payment and renewable energy credits for 20 years, subject to renegotiation if conditions substantially change.
- Ability to secure financial resources to operate pilot project and bond(s) necessary to cover against damage or removal of solar installation equipment, if necessary.
- Upon termination of the lease, if the equipment is operable, the solar installation may become the property of the MPCA.

Respond with letter of intent (e-mail preferred) within **30 days** to the staff representative below. MPCA will follow up with interested developers on a case-by-case basis.

Cathy Moeger  
Sustainability Manager  
Minnesota Pollution Control Agency  
520 Lafayette Rd. N  
St. Paul, MN 55155  
**Phone:** (651) 757-2575  
**E-mail:** *cathy.moeger@state.mn.us*

Dated: August, 2009

# 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.

## Help with Grants

Only *State Register* subscribers get a "Contracts & Grants" section that lists all "active" grants and contracts. Open the *State Register* and click on Bookmarks in the upper left corner. You get a list of ALL the current rules, with an INDEX, and previous volume indices, as well as a list of all "active" contracts and grants, and 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

### STAR Program

### Notice of Availability of Contract for Assistive Technology Device Loan and Device Demonstration

The Minnesota Department of Administration/STAR Program is requesting proposals to improve access to assistive technology (AT) devices and services for persons with disabilities of all ages and disabilities in Minnesota through device demonstration and loan. The STAR Program intends to work toward this outcome by contracting with six established AT loan programs throughout the state that provide an array of services enabling persons with disabilities access to appropriate assistive technology that advances their individual interests and goals.

Work is proposed to start after September 25, 2009.

A Request for Proposals will be available by mail from this office through August 21, 2009. **A written request (by direct mail, fax or Email) is required to receive the Request for Proposal.** After August 21, 2009 the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from and should be returned to:

Joan Gillum  
STAR Program  
658 Cedar Street #358  
St. Paul, MN 55155  
**Telephone:** (651) 201-2296  
**Fax:** (651) 282-6671

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than September 8, 2009 at 12:00 p.m. (Noon) Central Daylight Time. **Late and/or incomplete proposals will not be considered.** No time extensions will be granted.

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

# State Grants & Loans

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## Minnesota Housing Finance Agency

### Notice for Request for Qualifications for the Rehabilitation Loan Program

Minnesota Housing announces its request for qualifications (RFQ) for the Rehabilitation Loan Program and Emergency & Accessibility Loan Program. Applications are due to Minnesota Housing by September 1, 2009.

For more than 30 years, Minnesota Housing has offered the Rehabilitation Loan Program, which provides deferred loan financing to low-income homeowners needing to rehabilitate their existing residential housing for the purpose of improving its safety, livability or energy efficiency. An important component of the current Rehabilitation Loan Program is the funding of emergency and accessibility repairs.

Effective with the 2010 program year, the Rehabilitation Loan Program will be funded with federal HOME Investment Partnerships Program (HOME) funds, which necessitates some program modifications. For the Rehabilitation Loan Program, federal HOME funds require competitive procurement of Program Lenders. The RFQ will solicit applications from eligible program lenders and will evaluate prospective program lenders' capacity and ability to deliver the Rehabilitation Loan Program successfully.

The Emergency & Accessibility Loan Program will be funded with repayments on the existing portfolio of state-funded Rehabilitation Loan Program loans and will be used to address emergency and accessibility repairs. Eligible program lenders can apply for both the Rehabilitation Loan Program and Emergency & Accessibility Loan Program, or just the Rehabilitation Loan Program, but cannot apply for the Emergency & Accessibility Loan Program only.

Eligible Program Lenders include:

- A local unit of government,
- A nonprofit entity as defined by Minnesota Housing,
- A housing and redevelopment authority, or
- Other organization designated by Minnesota Housing, which has as a primary purpose the provision or development of affordable housing to low income persons or households in Minnesota.

Through this RFQ, eligible program lenders will be evaluated on:

- Past performance and production in the current state-funded Rehabilitation Loan Program and/or other similar single family rehabilitation programs;
- Ability to perform inspections in accordance with Minnesota Housing's adopted Rehabilitation Standard;
- Ability to partner with a State Building Code Official to ensure compliance with the State Building Code;
- The competitiveness of their estimated Per Unit Soft Costs needed to carry out the Rehabilitation Loan Program; and
- Ability to leverage other funds when available to augment the Rehabilitation Loan Program and complete the needed rehabilitation work (including weatherization funds, other local rehabilitation program funds, etc).

Selection of Program Lenders will also provide adequate coverage throughout the state in order to ensure that homeowners receive fair and equal access to Rehabilitation Loan Program funding.

Program concepts and the RFQ Application for the Rehabilitation Loan Program and the Emergency & Accessibility Loan Program can be found at: <http://www.mnhousing.gov/resources/apply/home-rehab/index.aspx>.

**If you have any questions, you may call the Minnesota Housing - Homes Division Help Desk at (651) 296-8215 or 1-800-710-8871 (toll-free) 7:30 a.m. to 5:00 p.m. (business days).**



### Minnesota Housing Finance Agency

#### Minnesota Housing Consolidated Request for Proposals

- **2009 Single Family Request for Proposals**
- **2009 Multifamily Request for Proposals**
- **2010 Round 2 Housing Tax Credit Program Request for Proposals**
- **Tax Credit Assistance Program and Section 1602/Exchange Program Request for Proposals**

Minnesota Housing finances and advances affordable housing opportunities for low and moderate income Minnesotans to enhance quality of life and foster strong communities. The Agency will provide funding that aligns with this mission and the Agency's strategic priorities through the Consolidated RFP, which will be available the Minnesota Housing website at [www.mnhousing.gov](http://www.mnhousing.gov) on August 10, 2009.

#### Funds Available include:

- Up to \$7.4 million in Challenge funds are available for SINGLE FAMILY AND MULTIFAMILY proposals. No set aside amounts have been outline for Single Family or Multifamily proposals.
- Approximately \$5.4 million for the 2010 Round 2 HOUSING TAX CREDIT PROGRAM REQUEST FOR PROPOSALS
- Any remaining funding following the close of the July 8, 2009 application cycle for the TAX CREDIT ASSISTANCE PROGRAM AND SECTION 1602/EXCHANGE PROGRAM REQUEST FOR PROPOSALS
- Estimated Multifamily funding through Minnesota Housing and funding partners, not including HTC's, is approximately \$41,898,000 (includes the Challenge funds listed above), subject to budget approval.

The current strategic priorities are:

- Finance new affordable housing opportunities
- Preserve existing affordable housing
- End long-term homelessness
- Increase emerging market homeownership
- Responding to the foreclosure crisis

#### Eligible Locations:

Minnesota Housing funds are generally available statewide; while respective RFP partners' funds are available only in the Twin Cities Metropolitan area or Greater Minnesota depending upon the specific funding partner.

#### Eligible Applicants:

In general, eligible applicants for the majority of resources include Minnesota Cities, for-profit organizations, nonprofit organizations, private developers, natural persons, Indian tribes or tribal housing corporations, public housing agencies, joint powers board established by two or more cities, and cooperative housing corporations.

#### Board Approval:

Recommendations for Minnesota Housing's Single Family proposal selections will be made at the January 28, 2010 Minnesota Housing Board meeting. Funding partner's single-family proposal recommendations will be presented at their individual board meetings.

This Consolidated Request for Proposal is subject to all applicable federal, state, and municipal laws, rules, and regulations. Minnesota Housing reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of proposals.

It is the policy of the Minnesota Housing to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to receipt of public assistance, disability, or family status.

# State Grants & Loans

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## SINGLE FAMILY RFP

The Single Family RFP includes funding from the following entities: Minnesota Housing, the Greater Minnesota Housing Fund, the Metropolitan Council, the Family Housing Fund and the Minnesota Department of Corrections announce the availability of funds through a Consolidated Request for Proposals (RFP). Funds are available to assist in the development, construction, acquisition, demolition, or rehabilitation of affordable homeownership, home improvement, housing activities for low and moderate-income residents of Minnesota.

Funding is also available for the acquisition of land for future development that includes affordable housing and is consistent with a community's projected affordable housing needs and strategic growth goals.

The Consolidated RFP represents an effort to coordinate the resources available within the agency, and to address communities' comprehensive housing efforts.

Eligible applicants are invited to submit proposal(s) for the Single Family RFP. Refer to the Important Dates section at the end of this RFP for application deadlines.

### Amount of Funds Available:

Approximately \$7 million will be available for both Single Family and Multifamily programs under the Challenge Fund. An additional \$2 million will be available for Interim Construction through Single Family RFP.

### Limited Fund Program Information:

The Limited Fund programs are highly competitive. Limited Fund proposals will be presented to a Selection Committee for evaluation, scoring and funding consideration. The Selection Committee is comprised of Minnesota Housing staff, representatives from the various funding partners and staff from the Minnesota Department of Employment and Economic Development (DEED).

## I. Programs Available:

**Greater Minnesota Housing Fund (GMHF):** 1) New Construction and Acquisition-Rehabilitation Programs—GMHF provides gap financing (interest-free, deferred loans) for homebuyers and/or below-market interim financing to public, private and non-profit developer partners for land acquisition, infrastructure, construction and purchase and/or rehabilitation of existing homes. GMHF is placing a priority on local and regional foreclosure recovery programs that address blight, have neighborhood impact, and provide housing opportunities for low- and moderate-income families. Financing for the creation of new homes must meet Building Better Neighborhoods' program criteria. Additional funds are available to support projects with employer assistance. 2) Owner Occupied Housing Rehabilitation - GMHF also provides zero- or low-interest, deferred loans on a limited basis to non-profit and for-profit organizations and to local government agencies to facilitate the rehabilitation of affordable owner-occupied housing (not exceeding 80% statewide median income, preference given to 50% SMI). GMHF's funding priorities include substantial rehab of aging, owner-occupied single-family housing, in conjunction with a larger community revitalization effort. Local leverage is required. GMHF's maximum assistance per unit is \$15,000. GMHF housing rehabilitation funding is limited to families with dependent children. 3) Minnesota Green Communities – Eligible applicants must meet the Green Communities Criteria. GMHF pre-approved Green Building Better Neighborhoods (BBN) home plans addressing Green housing standards and the Green Specifications for Single Family Housing Rehabilitation in Minnesota are available from Greater Minnesota Housing Fund free of charge at: [www.gmhf.com](http://www.gmhf.com)

BBN and Rehab Program Contact:      Andrew Schlack      (651) 221-1997      [aschlack@gmhf.com](mailto:aschlack@gmhf.com)

MN Green Program Contact:              John Harrington      (651) 221-1997      [jharrington@gmhf.com](mailto:jharrington@gmhf.com)

• **Family Housing Fund (The Fund):** The Fund, through Minnesota Green Communities provides special grants for green projects. Funds are available for ownership and rental housing. The Fund will also prioritize its traditional deferred loan and grant products for green developments. Eligible applicants must meet the Green Communities Criteria.

Program Contact:                              The Fund                      (612) 375-9644  
    Janne Flisrand              (651) 221-1997      [janne@mngreencommunities.org](mailto:janne@mngreencommunities.org)

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## State Grants & Loans

• **Community Revitalization Fund (CRV)** The CRV is the umbrella name for a variety of limited funding resources offered through Minnesota Housing that are provided under one fund. Funding resources include the Economic Development and Housing Challenge Program (Challenge Program), and internal interim construction financing programs. Funds are provided in the form of a construction loan or deferred loan, repayable to Minnesota Housing. Under certain circumstances and justification a grant may be provided. Generally, if an activity may be addressed through a loan rather than a grant, a loan will be provided.

Program Contacts:	Terry Hanna	(651) 296-9567	<i>terry.hanna@state.mn.us</i>
	Nancy Slattsveen	(651) 296-7994	<i>nancy.slattsveen@state.mn.us</i>
	Robert Russell	(651) 296-9804	<i>robert.russell@state.mn.us</i>
Indian Housing:	Rick Smith	(651) 297-4060	<i>smith.rickp@state.mn.us</i>

• **Local Housing Incentive Account (LHIA)** The Metropolitan Council provides funds for this program. Funds from this account are awarded as grants that must be matched on a dollar-for-dollar basis by the municipality receiving the funds. These grant funds may be used for costs associated with projects that help municipalities meet their negotiated housing goals, including, but not limited to acquisition, rehabilitation and construction of permanent affordable and life-cycle housing.

Program Contact:	Linda Milashius	(651) 602-1541	<i>linda.milashius@metc.state.mn.us</i>
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• **Institution Community Work Crew (ICWC) Affordable House Building Program.** The Minnesota Department of Corrections (MNDOC) may provide assistance through the Institution Community Work Crew (ICWC) Affordable House Building Program on a pipeline basis. ICWC Affordable House Building Program can provide interest-free interim construction financing, but only to non-profit entities. A letter from the MNDOC must be attached to your proposal indicating if an ICWC program is or will be available in the area you have identified. Contact the Program Manager for future availability of funds.

Program Contact:	Ron Solheid	(651) 361-7123	<i>ron.solheid@state.mn.us</i>
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## II. Types of Funds Available:

The type, terms and conditions of assistance provided will vary depending upon the needs outlined in each application and the availability of funding resources.

The contributing partners strongly encourage communities to leverage funds with the resources available through this RFP to address the local housing need(s) identified in their comprehensive housing plan.

## III. Funding Partners Program Income Limits/Guidelines:

Please refer to each of the program concepts for specific income limits/guidelines.

• Greater Minnesota Housing Fund serves families with children with incomes that do not exceed 80% of the statewide median income. Funding preference will be given for projects that use green building techniques and focus on closing the homeownership gap for emerging markets.

• Family Housing Fund only serves households with incomes that do not exceed 80% of the Twin Cities metropolitan area median income with priority given to households with incomes at or below 50% - 60% of area median income. Funding preference will be given to projects that promote successful homeownership for first-time homebuyers, first-generation homebuyers, and for communities of color, and/or propose taking action to counter the effects of foreclosures. Preference will also be given to projects that promote and preserve a full range of workforce housing choices for families and that link the housing to other regional systems.

• Metropolitan Council's LHIA serves households with incomes that do not exceed 80% of the Twin Cities metropolitan area median income with preference for proposals with a significant component serving households at 60% or below. Rehabilitation and redevelopment programs in areas of low valued, blighted or substandard properties where the local government is engaged in a redevelopment.

# State Grants & Loans

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ment and neighborhood improvement effort to which they have community matching funding, may serve households up to 115% of area median income.

- The Minnesota Department of Corrections - Institution Community Work Crew Affordable House Building Program serves households with incomes at or below 80% of greater of state or area median income. In certain areas households with incomes of up to 115% of state median may also be served. Homes must be priced so as not to compete with the private residential construction industry.

- Minnesota Housing only serves households with incomes that are at or below 115% of the greater of state or area median income.

## Ongoing Program Information

Organizations may apply for any of the following Minnesota Housing programs at any time during the year. Applications for these programs are not included in the SF RFP but information can be obtained by contacting a Minnesota Housing staff person listed below.

- Community Activity Set Aside Program (CASA) - GMHF's BBN projects are automatically eligible for first mortgages and enhancements from the Minnesota Housing's CASA program.

- Community Fix-up Fund (CFUF)

Twin Cities Metropolitan Region:	Any Representative Listed Below	
Southwest Region:	Any Representative Listed Below	
Central Region:	Jonathan Stanley (651) 297-3656	<i>Stanley, JonathanA@state.mn.us</i>
Northeast Region:	Devon Pohlman (651) 296-8255	<i>devon.pohlman@state.mn.us</i>
Northwest Region:	Chuck Callender (651) 296-8843	<i>chuck.callender@state.mn.us</i>
Southeast Region:	Cheryl Rice (651) 297-3124	<i>cheryl.rice@state.mn.us</i>
West Central Region:	Michael Nguyen (651) 296-97620	<i>michael.nguyen@state.mn.us</i>

## SINGLE FAMILY APPLICATION PROCESS

Access Single Family application materials as follows:

- The Single Family application will be available on Monday, August 10, 2009 Minnesota Housing's website at: [www.mnhousing.gov](http://www.mnhousing.gov) in a fillable format. If you are unable to access our website call (651) 297-3118, or Toll Free: 1-800-710-8871 to obtain a hard copy.

## SINGLE FAMILY RFP TRAINING AND TECHNICAL ASSISTANCE SESSIONS:

- Technical assistance sessions will occur on September 1 at Minnesota Housing and 3 via a webinar. Registration information will be posted on August 10, 2009 at the following web link: [www.mnhousing.gov/resources/training/sf-assistance/index.aspx](http://www.mnhousing.gov/resources/training/sf-assistance/index.aspx).

IMPORTANT DATES/Submission Requirements for Single Family Applications:

Email complete application/proposal including all required attachments to: [singlefamily.crv@state.mn.us](mailto:singlefamily.crv@state.mn.us)

AND

Mail one original and two copies of your complete application/proposal including all required attachments to:

Minnesota Housing 400 Sibley Street, Suite 300  
St. Paul, MN 55101  
Attn: Single Family RFP Application

- **Both emailed and mailed applications/proposals must be received by Minnesota Housing on or before 5:00 p.m. on Thursday, September 17, 2009.**

- **Faxed, incomplete, or late applications will not be accepted.**

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## State Grants & Loans

**NOTE:** Applications determined to be incomplete will be returned to the applicant.

### **Fund Notification for Single Family proposals:**

- Notification of approved selected proposals will be posted on the Minnesota Housing's website [www.mnhousing.gov](http://www.mnhousing.gov) after the Board meeting noted above and Loan/Grant Agreements will be mailed within 20 working days of the approval. If you have been awarded funds from a Minnesota Housing funding partner, you will be notified from the appropriate funding partner directly, after each of their respective board meetings.

- **2009 MULTIFAMILY REQUEST FOR PROPOSALS**

- **2010 ROUND 2 HOUSING TAX CREDIT PROGRAM REQUEST FOR PROPOSALS**

- **TAX CREDIT ASSISTANCE PROGRAM AND SECTION 1602/EXCHANGE PROGRAM REQUEST FOR PROPOSALS**

Minnesota Housing, in partnership with Greater Minnesota Housing Fund, Family Housing Fund, Metropolitan Council, Minnesota Department of Employment and Economic Development and Minnesota Department of Human Services announce the availability of funds through a Consolidated Request for Proposals (RFP). Funds are available to assist in the development, construction, acquisition, refinance, demolition, or rehabilitation of affordable rental housing for low and moderate-income residents of Minnesota. Limited amounts of funding are available for operating subsidies for new or existing Minnesota Housing financed housing developments, as well as funding for rental assistance programs. The RFP represents an effort to coordinate the resources available within Minnesota Housing and throughout the state of Minnesota to address communities' comprehensive housing needs and to foster stronger communities.

Eligible applicants are invited to submit proposal(s) to the 2009 RFP and the 2010 Round 2 Housing Tax Credit Program (HTC) using the Common Application and its required forms and submittals. Comprehensive housing proposals that consist of both single family and multifamily units within the same geographical area are required to complete both a single family and multifamily application.

The Multifamily Division published two funding RFP rounds for its deferred loan and grant funding. The first round was published in April 2009 with application due date of June 16, 2009 and funding recommendations on August 27, 2009 for those developments meeting the accelerated process for developments who previously received Housing Tax Credits with an annual tax credit shortfall of no more than 50 percent of the total annual tax credit amount and with funding gap of no more than \$200,000. The Consolidated Request for Proposal in partnership with Greater Minnesota Housing Fund, Family Housing Fund, Metropolitan Council, Minnesota Department of Employment and Economic Development, and Minnesota Department of Human Services will be the second round called the Consolidated RFP. The HTC Program continues to have two funding rounds per year. Information regarding HTC 2010 Round 2 is outlined in the HTC section of this publication. A limited amount of funding is available on an open pipeline basis.

FOR FURTHER INFORMATION, REFER TO THE MULTIFAMILY REQUEST FOR PROPOSAL GUIDE AVAILABLE ON THE MINNESOTA HOUSING WEBSITE AT: [www.mnhousing.gov](http://www.mnhousing.gov)

### **MULTIFAMILY RFP FUNDING AVAILABILITY**

#### **Multifamily Funding Availability**

Estimated total funding through Minnesota Housing and funding partners, not including HTC's, is approximately \$41,898,000, subject to budget approval.

#### **Minnesota Housing Loan Programs and Estimated Funding Available**

- Low and Moderate Income Rental Program (LMIR) through tax-exempt and taxable bonds for first mortgage financing: up to \$15 million
- Economic Development and Housing Challenge Program (EDHC): approximately \$7.4 million (including multifamily and single family)
  - Housing Trust Fund (HTF): \$1 million
  - Preservation ARIF (PARIF): up to \$3.5 million
  - Publicly Owned Housing Program (POHP), General Obligation (GO) Bonds: \$2 million for rehabilitation of public housing
  - Ending Long-term Homelessness Initiative Fund (ELHIF): \$4 million



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- Flexible Financing for Capital Costs (FFCC): approximately \$3 million
- Neighborhood Initiative: \$198,000
- Section 1602/Exchange Program: Any remaining funds following the close of the July 8, 2009 application cycle

## **Funding Partner Programs and Estimated Funding Available:**

- Family Housing Fund (FHF): approximately \$500,000
- Metropolitan Council – Local Housing Incentive Account (LHIA): approximately \$1.8 million
- Greater Minnesota Housing Fund (GMHF): approximately \$1 million
- Department of Human Services – Adult Mental Health Division (DHS-AMHD) - Housing with Supports for Adults with Serious Mental Illness (HSASMI) Program Operating Subsidy: \$1.5 million
- Minnesota Department of Employment and Economic Development (MN DEED) - Small Cities Development Program (SCDP): approximately \$1 million (subject to available funding)

## **Types of Multifamily Funding Available**

*Deferred Loan Funds* are generally in the form of a zero (0) percent, 30 year deferred or subordinate loan or grant. Actual interest rate, term and type of loan or grant will vary depending upon recommended funding source(s) and will be discussed with sponsors/applicants upon selection for funding. For the POHP program, the terms are 0% interest rate, 20 year loans that are forgivable.

*Long term fixed rate mortgages* for acquisition, refinance, or new construction of multifamily housing for developments that generate adequate income to service debt are also available. These mortgages are offered through the LMIR program. First mortgages may be used in conjunction with housing tax credits for new construction or acquisition/rehabilitation.

*Operating Subsidies* are available for new or existing Minnesota Housing financed developments and are available in two forms; revenue shortfall, and unique costs. Operating subsidies are awarded in the form of a grant and may be provided for up to ten years.

*Rental Assistance* funding for tenant or sponsor-based programs is awarded in the form of a grant and can be provided to a tenant for the term of the grant generally no more than five consecutive years.

## **Eligible Applicants, Projects, and Activities**

Eligible applicants for the majority of resources include Minnesota cities, limited dividend entities, for-profit organizations, nonprofit organizations, private developers, corporations, partnerships, natural persons, Indian tribes or tribal housing corporations, public housing agencies, joint powers boards established by two or more cities, and cooperative housing corporations.

Funding sources available for capital funding can be used for a variety of activities and housing types. Eligible projects must contain a minimum of four units. Scattered site developments must be located in the same city or county and contain a minimum of four units. Eligible activities include new construction, acquisition of land or existing structures, rehabilitation of housing, refinancing of existing loans, preservation of federally assisted housing, conversion to housing from another use, demolition, construction financing, permanent financing. Rental assistance and operating subsidies are eligible activities, however funding is limited. Eligible housing types include emergency shelters, transitional housing, permanent supportive housing, service-enriched housing, and permanent affordable housing.

Minnesota Housing has funding priorities for certain developments (e.g. housing in which all or a portion of units will be targeted to households experiencing long-term homelessness, workforce housing in areas of job and population growth).

Developments with age restrictions of 55 and older are not a funding priority under most funding sources. In addition, nursing homes, board and care facilities, and supervised living facilities licensed by the Minnesota or a delegated local Department of Health are not eligible for funding, nor are properties where residents require a 24-hour plan for supervision and/or medical/health care.

All of the funding priorities are contained in the Multifamily Request for Proposal guide on the Minnesota Housing website:

[www.mnhousing.gov/housing/developers/common-app/index.aspx](http://www.mnhousing.gov/housing/developers/common-app/index.aspx)

## **Income and Rent Limits**

The overall goal of the RFP process is to serve low to moderate income households. Priority will generally be given to those developments serving the lowest income households. The relationship between proposed rent levels and Fair Market Rents/Payment Standards is an important factor because it is crucial that Section 8 voucher holders are able to rent units in Minnesota Housing financed

developments. For individual program rent and income limits, refer to the Multifamily Consolidated Request for Proposal Guide on the Minnesota Housing website.

### **2010 HOUSING TAX CREDIT PROGRAM (HTC) — 2010 ROUND 2**

Minnesota Housing is accepting 2010 Round 2 competition applications for reservation and allocation of 2010 Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986, as revised. Please refer to the Important Dates section of this RFP for additional details.

Housing Tax Credits offer a ten-year reduction in tax liability to owners and investors in eligible low-income rental housing developments involving new construction, rehabilitation, or acquisition with rehabilitation. General information on tax credit availability is posted on the Minnesota Housing website.

Total estimated 2010 tax credits available for the State of Minnesota is approximately \$10.9 million. Minnesota Housing has estimated the housing credit ceiling for Minnesota for calendar year 2010 based upon the amounts of the housing credit ceiling for calendar year 2009 (as reduced to remove Housing and Economic Recovery Act of 2008 credits not available to HTC 2010). The actual housing credit ceiling for the year 2010 will not be known by Minnesota Housing until some time in February or March of 2010.

Under provisions of the federal stimulus package under the American Recovery and Reinvestment Act (ARRA) and the Neighborhood Stabilization Programs (NSP), Congress has made it very clear that resources intended to generate critical economic activity should go to “shovel ready” projects that were previously awarded tax credits that can spark the economy quickly and in most cases, requires that the money be used within 18 months.

Given these requirements and the significant resources provided through the stimulus package, Minnesota Housing’s priority is to get available resources committed in an efficient and effective manner. In addition, the state is dealing with a budget deficit that has, out of necessity, diminished the amount of funding that we would normally have available for the consolidated RFP.

The objectives and timelines of ARRA caused a re-evaluation of current delivery processes in an effort to strategically deploy resources in a way which expedites the award of ARRA resources and efficiently controls the award of 2010 credit resources.

In response to the above an abbreviated Tax Credit HTC 2010 Round 1 was held, applications submitted June 16, 2009 with selections to the Minnesota Housing Board on August 27, 2009. The balance of available 2010 tax credits in the estimated amount of \$5.4 million is designated for 2010 Round 2. Unlike HTC rounds in the past, the majority of available 2010 credits will be awarded through HTC Round 2. This structure required considerations be given to how statutory threshold requirements and pool distributions are applied in Round 2 for statewide access and distribution of the 2010 credit cap.

### **2010 PROGRAM, QAP, PROCEDURAL MANUAL AND SCORING CHANGES**

As part of its annual revisions process, Minnesota Housing’s 2010 Housing Tax Credit Program, Qualified Allocation Plan, Procedural Manual, Self-Scoring Worksheet and various related programmatic documents were prepared and approved by the Minnesota Housing Board on March 26, 2009. These documents were subsequently amended and approved by the Board on May 28, 2009. Key components of the Amended 2010 QAP are:

1. The 2010 Round 2 Application date is October 1, 2009. The 2010 Round 2 Selection date is January 28, 2010.
2. 2010 Round 2 applicants are required to meet the same Threshold Requirements for 2010 Round 2 as are required by *Minnesota Statutes* 462A.222 Subd. 3(d) for 2010 Round 1.
3. In 2010 Round 2, Minnesota Housing will maintain the same greater Minnesota and metropolitan regional credit pool distributions for 2010 Round 2 as are required by *Minnesota Statutes* 462A.222 Subd. 1a (b) for 2010 Round 1 to maintain statewide geographic distribution of 2010 credits from the state cap.
4. Projects that have previously received tax credits and have an annual tax credit shortfall of at least 5 percent, but not more than 50 percent of the total qualified annual tax credit amount, subject to Minnesota Housing approval, *WILL NOT HAVE* priority over other applicants at the start of Round 2.

Additional detail regarding these changes can be found on the Housing Tax Credit Allocation page of the Minnesota Housing website at: [www.mnhousing.gov/housing/tax-credits/allocation/index.aspx](http://www.mnhousing.gov/housing/tax-credits/allocation/index.aspx).

Minnesota Housing will establish a Wait List from the non-selected proposals remaining at the conclusion of the 2010 Round 2

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competition. Proposals from this list will be considered to receive returned credits, if any, which become available for allocation prior to October 1, 2010.

## Credit Formula

The Minnesota Legislature designated Minnesota Housing as the primary allocating agency for housing tax credits for the state and authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the Minnesota Statutes Section 462A.222 and 462A.223.

## Minnesota Housing Administration of Tax Credits

In all tax credit rounds, applicants with eligible buildings in the balance of the state, not within the jurisdiction of a suballocator, may apply to Minnesota Housing for an allocation of housing tax credits.

Each year, 10 percent of the state ceiling is set aside by Minnesota Housing for qualified 501(c)(3) and 501(c)(4) nonprofits as required by Section 42 of the Internal Revenue Code of 1986. Qualified nonprofits can apply to Minnesota Housing for these credits, regardless of the geographic location of the proposed low income housing development, as specified in the Qualified Allocation Plan.

## Local Administration of Tax Credit

For Round 2, applicants within Suballocator or Joint Powers Suballocator jurisdictions apply directly to Minnesota Housing.

## MULTIFAMILY AND HOUSING TAX CREDIT RFP APPLICATION PROCESS

Access application materials as follows:

- Multifamily RFP and Housing Tax Credits. The Multifamily RFP and Housing Tax Credit application materials and instructions are available on Minnesota Housing's website. If you are unable to access the website or need assistance locating or identifying the appropriate materials, contact the Multifamily Division at (651) 297-3294 or Toll Free: 1-800-657-3701.

## MULTIFAMILY AND HOUSING TAX CREDIT RFP TRAINING AND TECHNICAL ASSISTANCE SESSIONS

- Multifamily and Housing Tax Credit: Multifamily Division staff is available for technical assistance on an on-going basis. Additionally, a Multifamily RFP and Housing Tax Credit webcast has been scheduled for September 2, 2009. Please refer to the Minnesota Housing website at:

[www.mnhousing.gov/resources/training/mf-assistance/index.aspx](http://www.mnhousing.gov/resources/training/mf-assistance/index.aspx)

for registration and additional information.

## IMPORTANT MULTIFAMILY AND HOUSING TAX CREDIT RFP DATES

### *Proposal(s) Due*

- Multifamily and Housing Tax Credit (2010 Round 2): Must be received by Minnesota Housing by **5:00 p.m. on or before Thursday, October 1, 2009.**

- Multifamily RFP and 2010 Housing Tax Credit applications must include the following materials:

- 1). The Multifamily Application Form electronically submitted,
- 2). The Multifamily Application Form with original signature plus two (2) copies,  
and
- 3). All required attachments (narratives, forms and submittals) plus two (2) copies
- 4). Housing Tax Credit Application Fee
- 5). Electronically submitted designated attachments as noted on the Master Application Checklist.

Please refer to the Minnesota Housing website at:

[www.mnhousing.gov/resources/apply/multifamily/index.aspx](http://www.mnhousing.gov/resources/apply/multifamily/index.aspx)

**NOTE:** Except as provided above, applications which are faxed, e-mailed, submitted late or determined to be incomplete will not be accepted and will be returned to the applicant.

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## State Grants & Loans

### Funding Notification

- Notification of Multifamily Programs and 2010 Housing Tax Credit funding awards will be posted on the Minnesota Housing website after the Board meetings noted above. Selection letters will be mailed within 10 business days of the approval.

### Tax Credit Assistance Program (TCAP) and Section 1602/Exchange Programs

On Tuesday, February 17, 2009, President Obama signed the American Recovery and Reinvestment Act (ARRA) which was an unprecedented effort to stimulate the economy and save or create millions of jobs. The purpose of ARRA is to preserve and create jobs and promote economic recovery in the near term and to invest in infrastructure that will provide long-term economic benefits. The funding from ARRA in combination with the provisions passed through the 2008 Housing and Economic Recovery Act (HERA) provides Minnesota with the necessary tools and resources to bring “shovel ready” projects to production and close financing gaps in these projects created by reduced credit pricing and lack of syndicator equity.

### Project Eligibility

Projects eligible to apply for TCAP and/or Section 1602/Exchange Programs are rental housing projects that received or will receive an award of HTC under Section 42(h) of the Internal Revenue Code of 1986, as amended, during the period from October 1, 2006 to September 30, 2009 that require additional funding to be completed and placed into service in accordance with the requirements of Section 42 of the IRC.

### Funding Availability

Any TCAP and/or Section 1602/Exchange program funding remaining following the close of the July 8, 2009 application cycle will be made available in this RFP and made available on a pipeline basis should additional funds be available following the closing of this RFP.

### Tax Credit Assistance and Section 1602/Exchange Programs Application Process

- Applications will be accepted on a statewide basis including those located in suballocator jurisdictions.
- Proposals must be *received by* Minnesota Housing by 5:00 p.m. on or before Thursday, October 1, 2009.
- Applications must comply with and include the submission items as detailed in the Minnesota Housing Tax Credit Assistance and Exchange Programs Selection Process and Criteria.

Please refer to the Minnesota Housing website at: [www.mnhousing.gov/MHFA\\_008083.aspx](http://www.mnhousing.gov/MHFA_008083.aspx)

## Minnesota Department of Human Services

### Child Safety and Permanency Division

### Notice of Request for Proposals to Counties, Tribes and Child Advocacy Centers

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to Purchase new Closed-circuit Television (CCTV) and/or recording equipment for use in criminal child abuse cases, and the development and delivery of training related to this equipment. The goal is to reduce the trauma to children who testify at hearings or trials, or whose disclosures are recorded during investigations, by increasing the number of locations where CCTV/recording technology is available to counties, tribes and child advocacy centers.

Work is proposed to start October, 2009. For more information, or to obtain a copy of the Request for Proposal, contact:

Jackie Crow Shoe  
Department of Human Services  
Child Safety and Permanency Division  
P.O. Box 64943  
444 Lafayette Road North, St. Paul, MN 55155 0943  
**Phone:** (651) 431-4676  
**Fax:** (651) 431-7491  
**E-mail:** [jackie.crowshoe@state.mn.us](mailto:jackie.crowshoe@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 submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, September 18<sup>th</sup>, 2009. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

All Grant RFPs are required to be put on the DHS Grants and RFP web site.

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

## Help with "Active" Contracts

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)****Lake Superior College****ADVERTISEMENT FOR BIDS for ADA Remodel of Men's Restroom / Shower Room**

**Sealed Bids for:** ADA Remodel of Men's Restroom / Shower Room  
Lake Superior College  
Duluth, Minnesota

**will be received by:** Gary Adams, Physical Plant Director  
Room W2580  
Lake Superior College  
2101 Trinity Road  
Duluth, MN 55811

Until **2:00 PM**, local time, **Thursday, August 27, 2009**, at which time the bids will be opened and publicly read aloud.

**Project Scope:** Demolition of all existing doors, floors, wall and ceiling finishes, and plumbing fixtures within men's locker/shower room as required to create new women's and men's toilet rooms. New construction includes concrete block partition walls, floor tile, floor to ceiling wall tile, suspended moisture resistant gypsum board ceiling, ceiling hung toilet partitions, solid surface counter tops with stainless steel lavs, solid core wood entrance doors, plumbing fixtures, and all mechanical and electrical work for complete installation.

A **MANDATORY Pre-Bid Meeting** will be held at **9:00 AM, Tuesday, August 18, 2009**, in **Room W2580 at Lake Superior College**. 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, **Krech Ojard & Associates**, are on file at the offices of the:

1) above named Project Architect/Engineer.

2) following Builders' Exchanges:

Duluth Builder's Exchange  
802 Garfield Avenue  
Duluth, MN 55802

Minneapolis Builder's Exchange  
1123 Glenwood Avenue  
Minneapolis, MN 55405

St. Paul Builder's Exchange  
445 Farrington Street  
St. Paul, MN 55103

St. Cloud Builder's Exchange  
110 – 6<sup>th</sup> Avenue South  
St. Cloud, MN 56301-3621

- 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:

**Krech Ojard & Associates**  
227 West First Street, Suite 200  
Duluth, Minnesota 55802  
**Phone:** (218) 727-3282

A deposit of **\$100.00** is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them may send a separate non-refundable payment (check made out to the Architect) for **\$25.00** per set for shipping & handling (in addition to the **\$100.00** deposit) to the Architect. Such deposits and payments may be sent prior to the Pre-Bid Meeting on August 18, 2009. Documents will be sent to street addresses only (P.O. Boxes not acceptable).



# State Contracts

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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)

### Saint Paul College

#### Sealed bids sought for Bus for Students

Bus to transport Career Pathways Academy Students from high schools Harding, Humboldt, Arlington, and Johnson to SPC and back to high schools.

- One bus per day
- High School pick up: 11:00am
- College back to High Schools: 1:30pm
- Fall 2009 Term & Spring 2010 Term

Sealed bids are due: August 25<sup>th</sup> at 2:00pm at which time bids will be open.

Deliver bids to: Saint Paul College  
Business Office, room 1240  
235 Marshall Ave  
Saint Paul MN 55102

For more information contact: *Nataliya.kabakova@saintpaul.edu* or *Rene.Aultman@spps.org*

## Minnesota Management and Budget

### Notice of a Request for Proposal for Underwriting Services for the Tax Exempt 911 Fee Revenue Bonds Issued by the State of Minnesota

Minnesota Management and Budget is seeking proposals from selected financial institutions to provide tax-exempt financing to fund portions of the system backbone of a statewide radio system. The bond structure is assumed to include an issuance of approximately \$60,000,000 of 911 Revenue Bonds with a 15-year term. The State expects to close on this transaction on or around October 19, 2009.

An electronic copy of the Request for Proposal is available by email at [sue.gurrola@state.mn.us](mailto:sue.gurrola@state.mn.us), by phone to Susan Gurrola at (651) 201-8046 or on the MMB website of <http://www.mmb.state.mn.us>

**NOTE:** Details concerning submission requirements, including due dates are included in the Request for Proposal. No other personnel are authorized to discuss the project with responder before the submittal of the RFP Response.

Deadline for submission of the RFP Response is no later than **4:00 PM, CDT Wednesday, August 26, 2009.**

This request does not obligate the State to complete a negotiated bond transaction as 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 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

**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.

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

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

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

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**(PRIM) Public Recreation Information Maps**

**Fishing/Hunting Maps**

**Fishing Hot Spots**

# ***Minnesota's Bookstore***

660 Olive Street (Williams Hill Business Development), St. Paul, MN 55155  
(1 block east of I-35E Bridge, 1 block north of University Ave.)

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- **Land of Amber Waters:** The History of Brewing in Minnesota, \$39.95
- **All-Outdoors Atlas - Northeastern Minnesota,** \$29.95  
**Southern Minnesota,** \$29.95  
**Central and Northwest Minnesota,** \$29.95
- **St. Paul's Architecture,** \$34.95
- **Butterfly Gardening,** \$4.00
- **OSHA Part 1926 Construction,** \$39.98
- **OSHA Part 1910 General,** \$49.95
- **The Dakota War of 1862 - Minnesota's Other Civil War,** by Kenneth Carley, \$14.95
- **Minnesota Treasures - Stories Behind the State's Historical Places,** by Richard Moe, \$39.95
- **No More Gallant a Deed - A Civil War Memoir of the First Minnesota Volunteers,** by James A. Wright, edited by Steven J. Keillor, \$34.95
- **Minnesota's Indian Mounds and Burial Sites:** A Synthesis of Prehistoric and Early Historic Archaeological Data, by Constance M. Arzigian and Katherine P. Stevenson, \$44.95
- **Mike Lynch's Minnesota Starwatch - The Essential Guide to Our Night Sky,** \$24.95
- **Minnesota's State Capitol - The Arts and Politics of a Public Building,** \$16.95
- **A Birders's Guide to Minnesota,** by Kim R. Eckert, \$20.00
- **Celebrate Saint Paul - 150 Years of History,** \$49.95