

State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

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State Register

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

- Proposed Rules
- Vetoed Rules
- Commissioners' Orders
- Contracts for Professional, Technical and Consulting Services
- Adopted Rules
- Executive Orders of the Governor
- Revenue Notices
- Exempt Rules
- Expedited Rules
- Appointments
- Official Notices
- Non-state Public Bids, Contracts and Grants
- Withdrawn Rules
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# 8	Monday 24 August	Noon Tuesday 18 August	Noon Wednesday 12 August
# 9	Monday 31 August	Noon Tuesday 25 August	Noon Wednesday 19 August
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Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

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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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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.

Office of the Secretary of State

Proposed Permanent Rules Governing the Safe at Home Program

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 Rules Governing the Safe At Home Program, *Minnesota Rules*, chapter 8290

Introduction. The Office of the Secretary of State 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 16, 2009, the Office will hold a public hearing in Room 106, Minnesota State Retirement System Building, 60 Empire Drive, Saint Paul MN 55103, starting at 9 AM on Thursday, October 1, 2009. To find out whether the Office of the Secretary of State will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after September 16, 2009 and before October 1, 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: Bert Black at Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Boulevard, Saint Paul MN 55155; **telephone:** (651) 201-1326; **fax:** (651) 215-0682; or **e-mail:** Bert.Black@state.mn.us. TTY users may call the Office of the Secretary of State using the Minnesota Relay Service, 711

Subject of Rules and Statutory Authority. These rules are permanent rules to replace the rules adopted pursuant to *Minnesota Statutes*, section 14.388 and authorized by *Minnesota Statutes*, section 5B.08.

Proposed Rules

The rules govern the general administration of the Safe At Home Program and cover the general areas of: definitions of terms; application for and certification of program participant status; application assistants; use of the designated address; transition of minor program participants when they reach the age of majority; changes to program participant information; transfer of program participant records from one school to another; cancellation, withdrawal, expiration and renewal of program participant status; voting by program participants; and handling of certain data.

More specifically, these proposed rules:

provide for the content, manner of completion, submission, and effective date of an application; provide penalties for false applications; provide for voter registration by participants in the Safe At Home Program; provide for notice to certain jurisdictions of the contact information of certain persons; provide for the certification of applicants and other persons as participants in the Safe At Home program; provide a term for that certification; provide for a credential showing participation and for the replacement of that credential if lost, mislaid or stolen; provide for security for communications with the program participant; provide for the renewal of the certification, including the completion, submission and evaluation of a renewal application; impose penalties for false statements in the renewal application; require the creation of new credentials for a renewed participant; provide consequences when a renewal application is not submitted; provide a mechanism for changes in the name, address, or identity of a program participant; provide for the addition of minor children; provide a process for the cancellation of certification under certain circumstances; provide for the consequences of cancellation; provide for an orderly withdrawal by the program participant and the consequences thereof; provide for reapplication of such withdrawn persons; provide for application assistants who will administer the application process; provide for the qualifications, training and accreditation, termination of accreditation, affiliation with a community-based program, and access to application assistants; provide that application assistants are not employees of the office of the secretary of state; provide for service of process of program participants by service by mail or in person on the secretary of state and that the secretary of state is the agent of and for program participants for that purpose and shall keep a record of services received and actions taken on those services; provide for a designated address and for the use of that address by program participants; provide for the acceptance of that address by all others; provide for access to or use of the actual address of the program participant under limited circumstances; provide for consent of the program participant to certain releases of information; provide for the transfer of school records of program participants; provide law enforcement with access to program staff at all times; provide for the secretary to receive all mail for program participants and to forward certain mail to program participants, and the timeframe required for such forwarding; provide certain summary data on motor vehicles owned by program participants to other state agencies; provide for the continued certification of program participants who after having been minors, reach the age of majority, and for information changes and re-applications for those persons; provide a mechanism for voting by program participants that does not disclose the identity of program participants in the statewide voter registration system; provide that the record of a program participant shall not appear in the statewide voter registration system and that the voter history of that person shall not appear in the statewide voter registration system; provide for the provision of ballots to eligible program participants; provide for the handling of voted ballots by the secretary of state, county auditors and local election officials; provide for a record of various transactions generated in this process; provide for a report by the secretary of state on voting activities of program participant voters each biennium; and define terms used in these proposed rules.

A copy of the proposed rules is published in the *State Register* and is available at the *State Register* website and also on the website of the Office of the Secretary of State at: <http://www.sos.state.mn.us/home/index.asp?page=1406>.

A free paper copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, September 16, 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 Office of the Secretary of State hold a hearing on the rules. You must make your request for a public hearing in writing, which must be received by the agency contact person by 4:30 p.m. on Wednesday, September 16, 2009. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules to which 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 Office 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.

Proposed Rules

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Office of the Secretary of State 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 Office must give written notice of this to all persons who requested a hearing, explain the actions the Office took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Office will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, the Office of the Secretary of State 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 the hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Office of the Secretary of State 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 Office or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Office of the Secretary of State follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Office of the Secretary of State encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Office of the Secretary of State will cancel the hearing scheduled for October 1, 2009, if the Office does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Office will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-1326 after September 16, 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 Office of the Secretary of State will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Office of the Secretary of State 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 Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620; **telephone:** (651) 361-7845, and **FAX:** (651) 361-7936.

Hearing Procedure. If the Office of the Secretary of State holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order that this five-day comment period be 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 Office 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 Office 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 (SONAR) contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies by contacting the agency contact person. The SONAR is available on the website of the Office of the Secretary of State at:

<http://www.sos.state.mn.us/home/index.asp?page=1406>

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 Office may adopt the rules after the end of the comment period. The

Proposed Rules

Office of the Secretary of State 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 to receive notice of the submission, to receive a copy of the adopted rules, or to register with the Office 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 Office 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.

Dated: August 17, 2009

Mark Ritchie
Secretary of State

8290.0100 DEFINITIONS.

Subpart 1. Terms. For purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. Actual address. "Actual address" means a residential street address in Minnesota of an individual, as specified on the individual's application to be a program participant under this chapter. It also means a school or work address of that individual, if specified on the application.

Subp. 3. Applicant. "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in Minnesota Statutes, section 524.5-102.

Subp. 4. Application assistant. "Application assistant" means a staff person designated by the secretary of state or a person employed by a community-based program as defined in subpart 7 who has completed the training for application assistants approved by the secretary of state.

Subp. 5. Certification. "Certification" means that the secretary of state has determined that the eligible person meets the requirements for entering into or continuing in the program.

Subp. 6. Change of identity. "Change of identity" means that the program participant has changed the participant's name and Social Security number in an attempt to sever all connections to a previous name.

Subp. 7. Community-based program. "Community-based program" means an office, institution, or center whose mission consists substantially of offering assistance to survivors of domestic violence, sexual assault, stalking, or crimes of violence.

Subp. 8. Criminal justice system management. "Criminal justice system management" means the eligible person:

- A. has been convicted of a crime; or
- B. has pled guilty to a crime; or
- C. has been adjudicated of a crime; or
- D. has pled no contest to a crime; and
- E. is under supervision for that crime, and that supervision has residency-related conditions.

Subp. 9. Designated address. "Designated address" means the address assigned to the program participant by the secretary of state, including the lot number, to be used by public and private persons other than the Safe at Home program.

Subp. 10. Domestic violence. "Domestic violence" means an act as defined in *Minnesota Statutes*, section 518B.01, subdivision 2, paragraph (a), or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

Subp. 11. Eligible person. "Eligible person" means an adult, a minor, or an incapacitated person, as defined in *Minnesota Statutes*, section 524.5-102, who is not a person registered or required to register as a predatory offender under *Minnesota Statutes*, section 243.166

or 243.167, or the law of another jurisdiction, and for whom there is good reason to believe:

- A. that the eligible person is a victim of domestic violence, sexual assault, or stalking; or
- B. that the applicant fears for the applicant's safety or the safety of persons on whose behalf the application is made.

Subp. 12. **Lot number.** "Lot number" means the specific identifier assigned by the secretary of state to a program participant for use in sorting mail and confirming program participation in accordance with *Minnesota Statutes*, section 5B.03, subdivision 1, clause (7).

Subp. 13. **Mail.** "Mail" means items specifically addressed to a program participant and delivered to the designated address by the United States Postal Service.

Subp. 14. **Mailing address.** "Mailing address" means the actual residential street address to which the secretary of state must forward a program participant's mail, except in those cases where the United States Postal Service provides no delivery service to the actual residential address, in which case it means another address designated by the program participant.

Subp. 15. **Minor child.** "Minor child" means an individual who has not attained the age of 18, residing with or under the guardianship of an adult applicant or program participant.

Subp. 16. **Program participant.** "Program participant" means an individual certified as a program participant under *Minnesota Statutes*, section 5B.03.

Subp. 17. **Program participant voter.** "Program participant voter" means a program participant who is eligible to vote under Minnesota law who registers to vote as an ongoing absentee voter under part 8290.1300.

Subp. 18. **Safe at Home.** "Safe at Home" is the program authorized by *Minnesota Statutes*, chapter 5B.

Subp. 19. **Safe at Home card.** "Safe at Home card" means the official participation card issued by the secretary of state to each program participant, which must state the program participant's name, date of birth, designated address, certification expiration date, and a space for the signature of the program participant.

Subp. 20. **School.** "School" means any elementary or secondary educational institution.

Subp. 21. **Sexual assault.** "Sexual assault" means acts criminalized under *Minnesota Statutes*, sections 609.342 to 609.3453 and 609.352, or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

Subp. 22. **Stalking.** "Stalking" means acts criminalized under *Minnesota Statutes*, section 609.749, or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

8290.0200 APPLICATION.

Subpart 1. **Certification of program participant.** The secretary of state shall certify an eligible person as a program participant when the secretary of state receives a properly executed application that contains:

- A. the full legal name and date of birth of the eligible person;
- B. the name and contact data of the applicant, if different;
- C. a listing of all minor children residing at the actual address, each minor child's full legal name, each minor child's date of birth, and each minor child's relationship to the applicant;
- D. a statement by the applicant that the applicant has good reason to believe that the eligible person is not applying for certification as a program participant in order to avoid prosecution for a crime and either:
 - (1) that the eligible person listed on the application has survived domestic violence, sexual assault, or stalking; or
 - (2) that the applicant fears for the eligible person's safety;
- E. a designation of the secretary of state as agent for purpose of service of process and for the purpose of receipt of mail;
- F. the mailing address and the telephone number or numbers at which the eligible person can be contacted by the secretary of state;
- G. the actual address or addresses of the eligible person that the applicant requests not be disclosed for the reason that disclosure increases the risk of domestic violence, sexual assault, stalking, or other risks to safety;
- H. a statement that the program participant shall not disclose the participant's actual address or addresses to the batterer, stalker, or perpetrator of sexual assault, or other persons the participant fears;

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I. the number of motor vehicles owned by the eligible persons for whom the applicant is applying;

J. a statement that the applicant understands that a program participant's voting record cannot be active in the statewide voter registration system;

K. a statement whether the eligible person is currently the subject of any pending or ongoing criminal actions, and, if so, the prosecuting authority and consent for the secretary of state to forward notice of the participant's designated address, to the prosecuting authority;

L. a statement that the eligible person agrees to provide an actual address, upon request, to any supervising person if the eligible person is or becomes subject to criminal justice system management;

M. a statement that the eligible person is not a person registered or required to register as a predatory offender under *Minnesota Statutes*, section 243.166 or 243.167, or the law of another jurisdiction;

N. the signature of the applicant and the date signed; and

O. the signature of the application assistant and the date signed.

Subp. 2. Completion. The application must be completed in the presence of an application assistant.

Subp. 3. Duties of applicant. The applicant must provide all the information required on the application and indicate the applicant's relationship with the eligible person. The applicant must initial next to each item in the application to indicate that the applicant agrees to those provisions.

Subp. 4. Proof of identity. The applicant must also prove the applicant's identity by showing photo identification to the application assistant or must indicate on the application that the applicant does not possess photo identification.

Subp. 5. Notification to prosecuting authority. If the applicant discloses on the application that the eligible person is currently the subject of pending or ongoing criminal legal action, at the time of the application, the applicant must complete a form letter to notify each prosecuting authority for the pending or ongoing criminal action of the designated address and the designation of the secretary of state as agent for purposes of service of process. The secretary of state must provide form letters to all application assistants. The form letter must include a statement that any prospective service of process must be clearly labeled as service of process on the exterior of the envelope containing the service.

Subp. 6. Submission by application assistant. The application assistant shall submit completed applications and any additional materials by first class mail to the secretary of state.

Subp. 7. Missing information. If the completed application does not meet the requirements of this part, the secretary of state shall contact the applicant listed on the application to obtain the missing information. The eligible person shall be certified only if the missing information is provided.

Subp. 8. Effective date. A properly completed application is effective on the day it is reviewed and certified by the secretary of state.

Subp. 9. Voter registration through secretary of state. At the time of application, the application assistant must also offer the applicant the opportunity to register to vote as an ongoing absentee voter with the secretary of state, pursuant to part 8290.1300 and *Minnesota Statutes*, section 5B.06. A voter registration application filled out in the presence of an application assistant and submitted by an application assistant is not considered registration by mail as provided in *Minnesota Statutes*, section 201.061.

Subp. 10. Penalties. A person who falsely attests in an application or who knowingly provides false or incorrect information upon making an application is subject to penalties under *Minnesota Statutes*, section 5.15, cancellation of program certification, or both.

8290.0300 CERTIFICATION OF PROGRAM PARTICIPANT.

Subpart 1. Certification. An eligible person or a minor child residing at the actual address for whom a properly completed application or renewal is filed shall be certified by the secretary of state as a program participant.

Subp. 2. Duration. A program participant is certified for four years following the date the application or renewal is certified unless the certification is canceled or withdrawn before that date.

Subp. 3. Duties of secretary of state and program participant. Upon certification, the secretary of state shall, within two business

days, issue and mail a Safe at Home card to the program participant's mailing address with instructions on how to use the Safe at Home card. Upon receipt, the program participant must immediately sign the Safe at Home card. A program participant under the age of 11 may have the card signed by the adult responsible for the participant.

Subp. 4. **Communication; verification of identity.** The secretary of state must verify the identity of the applicant or program participant before discussing by telephone or electronic mail any data related to certification or otherwise related to the applicant or program participant.

Subp. 5. **Notification to other parties.** If an application submitted to the secretary of state discloses that the eligible person is the subject of a pending or ongoing criminal legal action, the applicant or eligible person must have completed and submitted with the application the form letter referenced in part 8290.0200, subpart 5. The secretary of state must mail the letter to the appropriate prosecuting authority. If compliance with this subpart is necessary and the letters have not been submitted to the secretary of state, the secretary of state shall certify the program participant, and provide the program participant with new form letters and instructions on how they must be used. Failure by the applicant to provide these letters to the secretary of state within five business days after the secretary of state mails notice of the certification to the program participant shall lead to cancellation pursuant to part 8290.0900.

Subp. 6. **Lost or stolen card.** A program participant shall contact the secretary of state whenever a Safe at Home card is lost or stolen. The secretary of state shall issue a replacement Safe at Home card to the program participant. If a card is found by a program participant after being reported lost or stolen, the program participant shall return the card to the secretary of state.

8290.0400 DESIGNATED ADDRESS.

Subpart 1. **Address and program status.** Every public or private person or entity shall accept the designated address as the true address of the program participant. Presentation of the Safe at Home card creates a rebuttable presumption that the individual listed on the card is a program participant. A program participant is not required to respond to any question a public or private person puts to the program participant about the details or circumstances of the person's inclusion in the program. The public or private person or entity may contact the secretary of state for information on the program.

Subp. 2. **Request.** The program participant, and not the secretary of state, is responsible for requesting the use of the designated address by any public or private person or entity as the address of the program participant.

Subp. 3. **Secretary of state as agent.** The secretary of state is the agent for receipt of all mail sent by public and private persons and entities to the program participants at the designated address.

Subp. 4. **Mail to be forwarded.** All mail specifically addressed to the program participant at the designated address must be forwarded at least every second business day to the participant at the participant's mailing address. Envelopes containing the mail being forwarded must be marked "Return Service Requested." The secretary of state is not required to forward mail if the mail is not specifically addressed to a program participant.

Subp. 5. **Short-term mail hold.** The secretary of state may hold a participant's mail for up to three days upon request of the program participant. The secretary of state may hold a participant's mail for up to a total of three weeks if the participant has sent a signed, written mail hold request to the secretary of state that includes a statement that the participant understands that the participant is personally responsible for any consequences of the delay in mail delivery, and a telephone number at which the participant can be reached. Upon receipt of a written request, the secretary of state must compare the signature of the program participant or applicant on the request with the signature on the original application and conclude that the signatures are the same. The mail hold is effective the date the secretary of state receives the request, unless the participant has indicated an alternate effective date.

Subp. 6. Limited circumstances of use of actual address.

A. In cases in which a public or private person or entity must under federal law obtain a program participant's actual address, the program participant must provide the program participant's actual address, in addition to the designated address.

B. For those services delivered to an actual address or tied to residency in a particular jurisdiction, the public or private person must request only that portion of the actual address required in order to provide those services, in addition to the designated address.

C. A program participant who is subject to criminal justice system management must, upon request, supply the program participant's actual address to the participant's supervising person, in addition to the designated address.

D. In cases in which all or part of the actual address has been disclosed pursuant to item A, B, or C, the designated address must be

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used as the address of the program participant by the public or private person or entity for all purposes where the actual address is not specifically required.

E. The secretary of state, upon request of the public or private person, shall suggest measures that shall assist in protecting the actual address and the program participant's name against disclosure in any way. Measures may include, but are not limited to, assigning a pseudonym to the program participant; suppressing the program participant's name on records; keeping the actual address in the program participant's paper file, but not entering it into a database; and making the records password protected and limiting access to them to a small pool of staff.

Subp. 7. Availability to law enforcement. The secretary of state shall be available at all times to fulfill the requirements of *Minnesota Statutes*, section 5B.07, subdivision 2, in exigent circumstances.

8290.0500 SERVICE OF PROCESS.

Subpart 1. Secretary of state as agent. The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served. The secretary of state shall not charge a fee for accepting service.

Subp. 2. Service by mail. Service on the secretary of state of any such summons, writ, notice, demand, or process must be made by mailing the summons, writ, notice, demand, or process to the designated address. If an envelope enclosing the summons, writ, notice, demand, or process is clearly labeled as service of process on the outside of the envelope and is served by first class or certified mail on the secretary of state, the secretary of state shall forward the service to the program participant no later than the next business day. As the secretary of state is the agent for service of process, the signed receipt of certified mail by the secretary of state constitutes proof of service on the program participant and commences the time in which responsive pleadings must be filed.

Subp. 3. Service in person. In the event that personal service of any document is required by law, that document may be served by delivering the document to any public counter of the Office of the Secretary of State. The secretary of state must forward the service to the program participant no later than the next business day. As the secretary of state is the agent for service of process, an affidavit of service on the secretary of state constitutes proof of service on the program participant and commences the time in which responsive pleadings must be filed.

Subp. 4. Record. The secretary of state shall maintain, in the program participant's file, a record of services served upon the secretary of state for that participant. The secretary of state shall include in the file the action taken on that service, including the name of the program participant to whom the service is directed, the date of receipt, the date of mailing, a unique identifying service number for the mailing, and whether the mailing was returned to the secretary of state as undeliverable.

8290.0600 ATTAINING AGE OF MAJORITY.

Subpart 1. Certification continued. When a program participant reaches the age of 18, certification shall not be terminated until the expiration date, unless the certification is canceled or withdrawn before that date.

Subp. 2. Responsibility for information changes. An individual who became a program participant as a minor child assumes responsibility for information changes pursuant to part 8290.0700 and renewal pursuant to part 8290.1100 when the individual reaches the age of 18.

Subp. 3. Address change; reapplication or withdrawal. A program participant who reaches the age of 18 must reapply or withdraw if the participant establishes a new residence separate from the adult participant who applied for certification on the participant's behalf when the program participant was a minor.

Subp. 4. Reapplication. Program participants who reach the age of 18 who have withdrawn or whose certification expires or has expired may reapply on their own behalf.

8290.0700 CHANGES IN PROGRAM PARTICIPANT INFORMATION.

Subpart 1. Notification of personal contact changes. A program participant or applicant shall send signed, written notification of a change of mailing or actual address, telephone number, or permanent contact data to the secretary of state.

Subp. 2. Additional minor children. If a program participant sends signed, written notification to the secretary of state that the program participant is now responsible for additional minor children, the secretary of state must certify the minor children as program

participants and issue them Safe at Home cards.

Subp. 3. Notification of name changes. If the name of a program participant changes, the program participant or applicant shall send signed, written notification to the secretary of state along with a copy of the court order and the program participant's Safe at Home card or a statement that the program participant has misplaced the Safe at Home card. The secretary of state must send a Safe at Home card with the participant's new legal name to the participant within two business days of receiving notification under this subpart and conducting the verification required by subpart 4.

Subp. 4. Signature verification. Before making changes in information effective, the secretary of state must compare the signature of the program participant or applicant on the notification of the change with the signature on the original application and conclude that the signatures are the same.

Subp. 5. Change in identity. On or before the effective date of a change in identity, a program participant or an applicant, if different, must withdraw from Safe at Home pursuant to part 8290.1000. The program participant or applicant may apply for recertification in Safe at Home under the new identity.

8290.0800 TRANSFER OF SCHOOL RECORDS.

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

8290.0900 FAILURE TO NOTIFY SECRETARY OF STATE OF CHANGES IN INFORMATION; CANCELLATION.

Subpart 1. Warning by secretary of state. If mail forwarded by the secretary of state to the program participant is undeliverable, or if the program participant has not complied with part 8290.0300, subpart 5, within five business days after the secretary of state mails notice of the certification to the program participant, then the secretary of state must contact the program participant or applicant, if different, to request that the program participant or applicant provide the secretary of state written notice of a change of address, or, where applicable, comply with part 8290.0300, subpart 5, and state that if the program participant or applicant fails to comply within five business days, the program participant's certification shall be canceled and the former program participant must return any Safe at Home cards in the participant's possession.

Subp. 2. Cancellation. If the program participant or applicant fails to provide the secretary of state with an updated address, or to comply with part 8290.0300, subpart 5, within five business days after the written notice is sent, the secretary of state must cancel the certification of the program participant. If a program participant or applicant provides false information when applying for certification or renewal, or on a change of information notice, the secretary of state must cancel the certification of the program participant.

Subp. 3. Cancellation of program certification without recourse. The secretary of state must cancel a program participant's certification if a program participant or applicant is found by a court to have knowingly provided false information when applying for certification or renewal, or on a change of information notice. The court may include in the finding a restriction or prohibition on reapplication to Safe at Home. The secretary of state shall inform the former program participant that the Safe at Home card must be returned immediately. Upon receiving the court findings and sending the notice, the secretary of state shall execute these actions.

Subp. 4. Return of mail. If the certification of the program participant is canceled, mail addressed to the program participant must be returned to the sender.

8290.1000 WITHDRAWAL OF PROGRAM CERTIFICATION.

Subpart 1. Withdrawal request.

A. A program participant or an applicant, if different, may withdraw from Safe at Home by submitting a signed withdrawal request along with any Safe at Home cards or a signed statement that the participant's Safe at Home card has been misplaced.

B. The withdrawal request shall include a statement that the program participant or applicant:

- (1) wants to withdraw from Safe at Home; and
- (2) understands that it is the responsibility of the program participant or applicant, if different, to notify all persons of a new

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mailing address at which the participant can be contacted.

C. If the program participant is responsible for minor children who are program participants, the program participant shall list the names of any minor children who are being withdrawn from the program on the withdrawal request.

D. The program participant or applicant may designate a period during which mail will be forwarded of up to 30 days immediately following the date on which the withdrawal is effective and may provide an address to which mail should be forwarded for this period, if different than the mailing address on record.

E. The program participant or applicant may include the date on which the participant would like the withdrawal to be effective.

Subp. 2. **Signature verification.** Before terminating a program participant's certification, the secretary of state must compare the signature of the program participant or applicant on the withdrawal request with the signature on the original application and conclude that the signatures are the same.

Subp. 3. **Termination.** Certification as a program participant shall be terminated upon withdrawal. The termination is effective on the day the withdrawal request is received by the secretary of state, unless the participant designated a different effective date on the withdrawal request.

Subp. 4. **Mail forwarding.** Mail received at the designated address for the program participant must be forwarded to the program participant for 30 days after the effective date of withdrawal, unless the program participant or applicant has designated a shorter period. After 30 days mail must be returned to the sender.

Subp. 5. **Reapplication.** A program participant whose certification is withdrawn may reapply or have an applicant reapply on the program participant's behalf pursuant to part 8290.0200.

8290.1100 RENEWAL OF PROGRAM CERTIFICATION.

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

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

B. Along with the renewal form sent 30 days prior to expiration, the secretary of state must also offer the program participant the opportunity to register to vote as an ongoing absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06, if the program participant has not already done so.

Subp. 2. **Application.** The secretary of state shall renew the certification of a program participant when the secretary of state receives a certification renewal form from that program participant or applicant, if different. The application must contain:

A. the full legal name and date of birth of the program participant;

B. the name and contact data of the applicant, if different;

C. a listing of any minor children residing at the actual address, each minor child's full legal name, each minor child's date of birth, and each minor child's relationship to the applicant;

D. a statement by the program participant or applicant that the program participant or applicant has good reason to believe that the eligible person is not applying for renewed certification as a program participant in order to avoid prosecution for a crime and either:

(1) that the eligible person listed on the renewal has survived domestic violence, sexual assault, or stalking; or

(2) that the program participant or applicant fears for the eligible person's safety;

E. a designation of the secretary of state as agent for purpose of service of process and for the purpose of receipt of mail;

F. the mailing address and the telephone number or numbers at which the program participant can be contacted by the secretary of state;

G. the actual address of the eligible person that the program participant or applicant requests not be disclosed for the reason that disclosure shall increase the risk of domestic violence, sexual assault, stalking, or other risks to safety;

H. an indication that the program participant shall not disclose the actual address or addresses to the batterer, stalker, or perpetrator of sexual assault, or other persons the participant fears;

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I. the number of motor vehicles owned by the eligible persons for whom the applicant is applying;

J. a statement that the eligible person agrees to provide the actual address, upon request, to any supervising person if the eligible person is or becomes subject to criminal justice system management;

K. a statement that the applicant understands that a program participant's voting record cannot be active in the statewide voter registration system;

L. a statement that the eligible person is not a person registered or required to register as a predatory offender under *Minnesota Statutes*, section 243.166 or 243.167, or the law of another jurisdiction; and

M. the signature of the program participant or applicant, if different, and the date signed.

Subp. 3. Duties of applicant. The program participant or applicant, if different, must provide all the information required by subpart 2 in the renewal, and date and sign the renewal.

Subp. 4. Completed renewals to be mailed. The program participant or applicant must submit completed renewals and any additional materials by first class mail to the secretary of state.

Subp. 5. Missing information. If the completed renewal does not meet the requirements of this part, the secretary of state shall contact the program participant or applicant to obtain the missing information.

Subp. 6. Effective date. A properly completed renewal postmarked on or before the expiration date is effective on the day it is reviewed and certified by the secretary of state.

Subp. 7. Duties of secretary of state and program participants. The secretary of state must send new Safe at Home cards with updated expiration dates within two business days of renewing a program participant's certification. Upon receipt, the program participant must immediately sign the Safe at Home card. A program participant under the age of 11 may have the card signed by the adult responsible for that person.

Subp. 8. Penalties. A person who falsely attests in a renewal or who knowingly provides false information upon making an application for renewal is subject to penalties under *Minnesota Statutes*, section 5.15, cancellation of program certification, or both.

8290.1200 EXPIRATION OF PROGRAM CERTIFICATION.

When the term of a program participant expires, the program participant is no longer certified in Safe at Home. The secretary of state must forward mail to the former program participant's mailing address for five days after the expiration date. After that five-day period, the secretary of state must return all mail to the sender.

8290.1300 VOTING BY PROGRAM PARTICIPANT.

Subpart 1. Internal procedures. The secretary of state shall establish internal procedures designed to facilitate voting by program participants that minimize the number of persons with access to program participant data while maintaining the integrity of the election process.

Subp. 2. Absentee ballot recipient status. A program participant who is eligible to vote may register to vote with the secretary of state as an ongoing absentee voter pursuant to *Minnesota Statutes*, section 5B.06. The secretary of state shall maintain a record of each program participant registering to vote as an ongoing absentee voter.

Subp. 3. Identification of program participant voters. Whenever the secretary of state is notified that an election will be taking place, the secretary of state must, at least 45 days before the election, or in the case of a special election, within two business days after it is scheduled, identify all program participant voters who live in the jurisdiction.

Subp. 4. Review and removal from voter registration system. Upon certification of an application and again prior to each election in which the program participant is eligible to vote, the secretary of state must review the statewide voter registration system to ensure that the program participant voter is not listed in that system at the actual address. If a program participant voter is listed in the statewide voter registration system, the secretary of state must notify the participant that the participant is not allowed to vote as an ongoing absentee voter through Safe at Home until the participant's current voter record is removed from the statewide voter registration system and provide instructions on how to get the record removed.

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Subp. 5. Absentee ballot request form. The secretary of state shall provide program participant voters not currently registered in the statewide voter registration system at the actual address with an absentee ballot request form for each election in which the program participant is eligible to vote. Notwithstanding parts 8210.0200, 8210.0500, and 8210.0700, in order to receive a ballot, the program participant must return the absentee ballot request form to the secretary of state. A program participant voter must provide, in lieu of the verification process under the Help America Vote Act, a copy of the photo identification with the absentee ballot request form if the program participant voter's registration:

A. was not submitted by an application assistant;

B. the statewide voter registration system indicates that the program participant voter has not previously voted in a federal election in Minnesota;

C. the application states that the participant possesses photo identification; and

D. the program participant voter has not provided the secretary of state with a photocopy of photo identification.

Upon receiving the absentee ballot request form, the secretary of state must communicate to the appropriate election administrator of each jurisdiction for which requests have been received the number of ballots necessary for each jurisdiction. Notwithstanding parts 8210.0200, 8210.0500, and 8210.0700, the election administrator must provide the appropriate ballots for that election to the secretary of state.

Subp. 6. Ballot distribution. The secretary of state must forward the requested ballots to each program participant voter by first class mail, accompanied by absentee ballot instructions, a secrecy envelope, and a return envelope addressed to the secretary of state.

Subp. 7. Return of undeliverable ballots. If the absentee ballot of any program participant is declared undeliverable by the United States Postal Service, the secretary of state must return those materials to the appropriate county auditor.

Subp. 8. Ballot handling.

A. Notwithstanding parts 8210.0200, 8210.0500, and 8210.0700, program participant voters must submit their return ballot envelopes to the secretary of state.

B. If the program participant voter submits a return ballot envelope, the secretary of state must review the original return envelope to determine whether the secretary of state is satisfied that the program participant voter's name and signature on the original return envelope appear in substantially the same form as on the absentee ballot request form described in subpart 5 and that the certificate on the original return envelope is properly executed.

C. The secretary of state must remove the secrecy envelope from the return envelope received from the program participant voter and transfer the secrecy envelope to a blank, unused return envelope with the verification certificate printed on it. The secretary of state must complete and sign the verification certificate. The verification certificate includes the county, municipality, ward, and precinct/school district combination and states that the ballot is provided for a Safe at Home participant voter, whether the secretary of state is satisfied that the program participant voter's name and signature on the return envelope appear in substantially the same form as on the absentee ballot request form described in subpart 5, and whether the certificate on the return envelope is properly executed. The secretary of state must then forward these materials to the county auditor.

Subp. 9. County auditor to forward ballot. The county auditor shall forward the substituted return envelope bearing the verification certificate to the municipal or school district clerk.

Subp. 10. Receipt and counting of ballots. The municipality or school district clerk shall forward the verification certificate and substituted return envelope to the precinct. The election judges in the precinct must review the verification certificate and may only reject the absentee ballot if the verification certificate indicates that the secretary of state was not satisfied that the program participant voter met the requirements of this part. If the election judges accept the ballot, they must write "SAH" followed by a sequential number for each Safe at Home ballot processed and "AB" on the election day registration roster page. An accepted ballot is counted in the polling place as any other registered absentee ballot for statistical purposes.

Subp. 11. Review and determination by secretary of state. By March 31 of each year, the secretary of state must determine whether any program participant voters who cast ballots in the preceding 12-month period are recorded in the statewide voter registration system as having both a record of casting a ballot under this part and also voting in the same election. If it is found that a program participant voter casting a ballot under this part also has a voting history record for the same election in the statewide voter registration system, the secretary of state shall notify the appropriate county attorney of that fact.

Subp. 12. Cessation of ongoing absentee ballot status. The secretary of state must revoke the program participant voter's ongoing ballot status under this part until the county attorney confirms that the issue has been resolved in favor of the program participant if voting records under this part and voting history records in the statewide voter registration system show that the program participant voter has not only cast a ballot under this part but also voted in the same election by other means.

Subp. 13. Record keeping. The secretary of state must maintain a record for each election with the number of ballots requested by precinct/school district combinations, blank ballots received from each county auditor, assembled ballots sent to program participant voters, ballots returned as undeliverable, ballot envelopes returned by program participant voters to the secretary of state, and substituted return envelopes created by the secretary of state.

Subp. 14. Biennial report. By April 30 of each odd-numbered year, the secretary of state shall issue a report on the activities of program participant voters during the period of two calendar years ending on December 31 preceding the report date.

8290.1400 SUMMARY DATA.

For purposes of collecting state aid on motor vehicles pursuant to *Minnesota Statutes*, section 163.051, the secretary of state shall issue to the Department of Public Safety and to the Minnesota Department of Transportation a table containing summary data by county on the number of motor vehicles reported as owned by program participants residing in each county. The table must be used only for the purposes of issuing state aid on motor vehicles and wheelage tax administration.

8290.1500 APPLICATION ASSISTANT ACCREDITATION.

Subpart 1. Role of community-based programs. The role of the community-based programs in Safe at Home is to select application assistants to explain to an applicant the program's services and limitations, explain to an applicant the program participant's responsibilities, and assist applicants in the completion of application materials.

Subp. 2. When awarded. Application assistant accreditation shall be awarded by the secretary of state when:

A. the prospective application assistant:

(1) completes an application that includes the prospective application assistant's name, business mailing address, business telephone number, and business e-mail address, if available; the community-based program at which the application assistant is employed and a contact name for the community-based program; a statement that the application assistant provides direct advocacy services to victims as a substantial part of the application assistant's current job duties; an agreement to adhere to the instructions and terms provided in the application assistant agreement; and an agreement not to discriminate against any applicant or program participant because of race, creed, religion, color, national origin, gender, marital status, sexual orientation, status with regard to public assistance, age, or mental, physical, or sensory disability;

(2) submits the completed application, with a statement from the community-based program as described in item B, to the secretary of state; and

(3) successfully completes a program orientation or training session sponsored by or on behalf of the secretary of state; and

B. the community-based program confirms that the application assistant is employed by the community-based program and agrees to designate a contact for the community-based program. The program must have a person authorized to act on behalf of the organization execute the application in order for it to be accepted by the secretary of state.

Subp. 3. Employment status. The application assistant performing the duties under this chapter is not deemed to be an employee of the Office of the Secretary of State or of the state of Minnesota or an agent of the secretary of state in any manner whatsoever. The application assistant shall not hold out as, nor claim to be, an officer or employee of the Office of the Secretary of State or of the state of Minnesota simply because the person is an application assistant, and shall not make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the Office of the Secretary of State or of the state of Minnesota.

Subp. 4. Term of accreditation. An application assistant's accreditation is ongoing as long as the application assistant maintains employment at the community-based organization named on the application, completes a periodic review approved by the secretary of state at least once every three years, and, in addition, completes any other training deemed necessary by the secretary of state.

Subp. 5. Termination. An application assistant's accreditation may be terminated by the secretary of state for failing to abide by any requirement in this chapter or for failing to act in accordance with requirements of the secretary of state. An application assistant's accreditation must be terminated if the application assistant is no longer employed by the community-based organization with which the person applied.

Proposed Rules

Subp. 6. **Employment with another community-based organization.** If an application assistant changes employment, leaving employment at one community-based organization and gaining employment at another, the application assistant may apply to become accredited again after the new community-based organization confirms the person is an employee and agrees to designate a contact for the community-based program. The new organization must have a person authorized to act on behalf of the organization execute a new application. The secretary of state will determine what training, if any, is necessary to fully renew the application assistant's accreditation status.

Subp. 7. **Access to application assistants.** The secretary of state shall make available a list of the names and telephone numbers of community-based programs at which accredited application assistants may be found.

Expedited Emergency Rules

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

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

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

Department of Natural Resources (DNR)

Adopted Expedited Emergency Game and Fish Rules: Early Goose Hunting and Waterfowl

Youth Waterfowl Day, Early Goose Hunting, Waterfowl Feeding and Resting Areas

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, Section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Sections 97A.045, 97A.091, 97A.095, 97B.112, 97B.731, and 97B.803.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, Sections 97A.0451 to 97A.0459, are as follows: The youth waterfowl day is based on annual determinations of season timing and selection of the option as allowed under federal frameworks for early season migratory bird hunting announced in June of each year. Provisions for taking Canada geese in early seasons are based on population data that is not available until June and selection of options as allowed under federal frameworks for early season migratory bird hunting announced in June. Field recommendations on opening and closing refuges and establishing waterfowl feeding and resting areas are not available until June.

Dated: July 17, 2009

Mark Holsten, Commissioner
Department of Natural Resources

Expedited Emergency Rules

6240.0610 YOUTH WATERFOWL HUNTING DAYS.

Subpart 1. **Dates, eligibility, and license requirements.** Ducks, mergansers, coots, moorhens, and Canada geese may be taken statewide on ~~special youth waterfowl hunting days~~ September 19 by hunters 15 years of age or younger. An adult mentor 18 years of age or older, who is authorized by the youth's parent or guardian, must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. No hunting license or waterfowl stamps are required.

Subp. 2. **Shooting hours.** Shooting hours are one-half hour before sunrise to 4:00 p.m.

Subp. 3. **Bag limits.** The daily bag limit for ducks, mergansers, coots, and moorhens is as allowed by federal rule. The daily bag limit for geese is five Canada geese, ~~except in those areas where taking Canada geese near water is restricted under part 6240.1200, subpart 1, item A, where the daily bag limit is one Canada goose.~~

6240.1200 SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS.

Subpart 1. Taking near water.

A. Taking Canada geese during the early seasons is prohibited on or within 100 yards of all surface waters in the following areas:

- (1) the Northwest, ~~Southeast, and Twin Cities Metro~~ Goose Zones Zone;
- (2) ~~all within the boundaries of the Carlos Avery Wildlife Management Area, including that portion outside the Twin Cities Metro Goose Zone;~~ and
- (3) the Swan Lake area in Nicollet County, within the boundary described as follows: Beginning at the junction of State Trunk Highway (STH) 14 and County State-Aid Highway (CSAH) 12 north along CSAH 12 to CSAH 5; thence east along CSAH 5 to CSAH 13; thence south along CSAH 13 to STH 99; thence west along STH 99 to CSAH 17; thence south along CSAH 17 to STH 14; thence northwest and west along STH 14 to CSAH 12.

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

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

6240.1700 TAKING GEESE IN SOUTHEAST ZONE EARLY SEASON.

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

Subp. 2. **Daily limit.** A person may not take more than ~~two~~ five Canada geese per day during the early season.

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

6240.1750 TAKING GEESE IN NORTHWEST GOOSE ZONE.

Subpart 1. **Open season.** The open season for taking Canada geese in the Northwest Goose Zone, described in part 6240.0860, begins the first Saturday in September, except the season begins on Sunday, September 1, in any year when the first Saturday falls on September 7. The season closes on September ~~15~~ 22.

Subp. 2. **Daily limits.** A person may not take more than ~~two~~ five Canada geese per day during the early season.

6240.1850 REFUGES OPEN TO THE TAKING OF GEESE.

Subpart 1. **Goose refuges.** Those portions of the Douglas County Goose Refuge in Douglas County, the Otter Tail County Goose Refuge in Otter Tail County, and the Sauk Rapids-Rice Goose Refuge in Benton County, in the respective zone or zones in which they are located, are open to goose hunting during the early, regular, and late goose seasons for those zones. All other goose hunting regulations apply in these refuges. Taking waterfowl from public roads and their rights-of-way is prohibited. The Ashby Goose Refuge in Grant County is ~~open~~ closed to Canada goose hunting during the early September goose season.

Subp. 2. **Game refuges.** The Fox Lake Game Refuge in Martin County and the Saint James Game Refuge in Watonwan County are open to goose hunting during the first three days of the regular goose season in the respective zones in which they are located. The Fox Lake Game Refuge is open to goose hunting ~~from the Saturday on or nearest November 26 to the end~~ for the last three days of the goose season ~~in the zone in which it is located,~~ except there is no goose hunting within 100 yards of Fox and Temperence Lakes.

Subp. 3. **Waterfowl refuges.** The Harstad Slough Waterfowl Refuge in Stevens County is open to Canada goose hunting during the early September goose season. The Mud-Bardwell Waterfowl Refuge in Martin County is open to Canada goose hunting from the Saturday on or nearest ~~October 30~~ November 1 to the end of the goose season in the zone in which it is located, except there is no goose hunting within 100 yards of Mud and Bardwell Lakes. The Rickert Lake Waterfowl Refuge in Steele County is open to Canada goose

Expedited Emergency Rules

hunting during the early September goose season. The waterfowl sanctuary within this refuge is closed to hunting and trespass, as posted.

6240.2100 DESIGNATED MIGRATORY WATERFOWL FEEDING AND RESTING AREAS.

Subpart 1. **Designation of entire lakes.** The following lakes are designated as migratory waterfowl feeding and resting areas:

Name	Location	County
	[For text of items A to Z, see M.R.]	
AA. Goose Lake	T.143N; R.23W	Cass
BB. Lake Henry	T.110N; R.25W	Le Sueur
CC. Mud Lake	T.144N; R.23W	Cass
DD. <u>Thielke Lake</u>	T.122N; R.46W	<u>Big Stone</u>

[For text of subps 2 to 9, see M.R.]

EFFECTIVE PERIOD. The expedited emergency amendments to *Minnesota Rules*, parts 6240.0610, 6240.1200, 6240.1700, 6240.1750, 6240.1850, and 6240.2100, expire January 1, 2010. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rules.

Executive Orders

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

Office of the Governor

Emergency Executive Order #09-10: Providing for Emergency Search and Recovery Assistance to the Cass County Sheriff

I, TIM PAWLNTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Minnesota Constitution and applicable laws, do hereby issue this emergency executive order:

WHEREAS, on or about July 24, 2009, a citizen was reported missing in the Cass County area, and;

WHEREAS, on July 25, 2009, a car was found in a rural area northeast of Staples, Minnesota; and

WHEREAS, Cass County has exhausted all local resources for providing search and recovery operations; and

Executive Orders

WHEREAS, the Cass County Sheriff has requested the Minnesota National Guard to provide search and recovery assistance.

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about August 8, 2009, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to provide search and recovery assistance in Cass County.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of personnel shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2008, Sections 192.49, 192.52 and 192.54.

Pursuant to *Minnesota Statutes* 2008, Section 4.035, Subdivision 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this 7th day of August, 2009.

Signed: **TIM PAWLENTY**
Governor

Filed According to Law:

Signed: **MARK RITCHIE**
Secretary of State

Official Notices

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

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

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Official Notices

Minnesota Department of Health (MDH)

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

Access to Health Records Notice of Rights

This notice explains the rights you have to access your health record, and when certain information in your health record can be released without your consent. This notice does not change any protections you have under the law.

YOUR RIGHT TO ACCESS AND PROTECT YOUR HEALTH RECORD

You have the following rights relating to your health record under the law:

- A health care provider, or a person who gets health records from a provider, must have your signed and dated consent to release your health record, except for specific reasons in the law.
- You can see your health record for information about any diagnosis, treatment, and prognosis.
- You can ask, in writing, for a copy or summary of your health record, which must be given to you promptly.
- You must be given a copy or a summary of your health record unless it would be detrimental to your physical or mental health, or cause you to harm to another.
- You cannot be charged if you request a copy of your health record to review your current care.
- If you request a copy of your health record and it does not include your current care, you can only be charged the maximum amount set by Minnesota law for copying your record.

RELEASE OF YOUR HEALTH RECORD WITHOUT YOUR CONSENT

There are specific times that the law allows some health record information held by your provider to be released without your written consent. Some, but not all, of the reasons for release under federal law are:

- For specific public health activities
- When health information about victims of abuse, neglect, or domestic violence must be released to a government authority
- For health oversight activities
- For judicial and administrative proceedings
- For specific law enforcement purposes
- For certain organ donation purposes
- When health information about decedents is required for specific individuals to carry out their duties under the law
- For research purposes approved by a privacy board
- To stop a serious threat to health or safety
- For specialized government functions related to national security
- For workers' compensation purpose

Under Minnesota law, health record information may be released without your consent in a medical emergency, or when a court order or subpoena requires it. The following include some of the agencies, persons, or organizations that specific health record information may or must be released to for specific purposes, or after certain conditions are met:

- The Departments of Health, Human Services, Public Safety, Commerce, Minnesota Management & Budget, Labor & Industry, Corrections, and Education
- Insurers and employers in workers' compensation cases
- Ombudsman for Mental Health and Developmental Disabilities
- Health professional licensing boards/agencies
- Victims of serious threats of physical violence
- The State Fire Marshal
- Local welfare agencies
- Medical examiners or coroners
- Schools, childcare facilities, and Community Action Agencies to transfer immunization records
- Medical or scientific researchers
- Parent/legal guardian who did not consent for a minor's treatment, when failure to release health information could cause serious health problems
- Law enforcement agencies
- Insurance companies and other payors paying for an independent medical examination

If you would like additional information or links to specific laws, visit: www.health.state.mn.us and search for "access to health records" or call the Minnesota Department of Health at (651) 201-5178.

Minnesota Statutes, section 144.292, subdivision 4

This notice may be photocopied.

Revised 4/14/2009

Department of Human Services (DHS)

Public Notice of Disproportionate Population Adjustment Paid for Inpatient Hospital Services under Minnesota Health Care Programs

NOTICE IS HEREBY GIVEN to recipients, providers, and to the public concerning the disproportionate population adjustment (DPA) that is paid for inpatient hospital services under Minnesota Health Care Programs (Medical Assistance, MinnesotaCare, and General Assistance Medical Care).

Effective July 1, 2009, the federal disproportionate share hospital (DSH) claim will include the certified public expenditures (CPE) of Regions Hospital as a DSH payment to the extent of the remaining fiscal year DSH allotment. *Minnesota Laws 2007*, Chapter 147, Article 5, Section 4.

Questions may be directed to Richard Tester, Minnesota Department of Human Services, Health Care Administration, PO Box 64984, MN 55164-0984; **phone:** (651) 431-2531; **e-mail:** richard.testler@state.mn.us.

Official Notices

Minnesota Pollution Control Agency (MPCA)

Minnesota Department of Health (MDH)

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Water Treatment Certification, *Minnesota Rules*, Chapter 9400

Subject of Rules. The Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Health (MDH) request comments on possible amendments to rules governing conditional certification for wastewater facility operators and water treatment system operators. The MPCA and MDH are considering proposing rules to allow the respective agencies to grant conditional certificates to operators when a facility or system has been reclassified to a higher class due to alterations to the facility or system. Operators could qualify for issuance of the conditional certificate by successfully passing an exam. The conditional certificate would only be valid at the facility or system for which the conditional certificate is issued, but must be renewed as if it were not conditional. This would allow the facility or system operator time to gain the experience required for a regular certificate. Once the operator has met those experience requirements, a regular certificate would be issued. In addition, revocation of the conditional certificate would be addressed in the revisions.

Persons Affected. The amendment to the rules would likely affect operators and owners of wastewater facilities and water systems.

Statutory Authority. *Minnesota Statutes*, section 115.72 subd. 2, authorizes the MPCA and MDH to adopt rules relating to the certification qualifications for each classification of wastewater facility operators and water supply system operators. The MPCA has responsibility to classify wastewater treatment facilities and certify individuals who operate wastewater treatment facilities. MDH has responsibility to classify public water supply systems and certify individuals who operate water treatment systems.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on September 18, 2009. The MPCA does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The MPCA has not yet prepared a draft of the possible rule amendments.

Where to Get More Information:

Web site: A Web site has been established where supplemental information will be posted as it becomes available:

<http://www.pca.state.mn.us/water/wtcertification.html>

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

Dianne Navratil
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Phone: (651) 757-2599
E-mail: Dianne.Navratil@state.mn.us
TTY: (651) 282-5332 or 1-800-657-3864

Mark Sloan
Minnesota Department of Health
625 Robert Street North
PO Box 64972
St. Paul, Minnesota 55164
Phone: (651) 201-4652
E-mail: Mark.Sloan@state.mn.us
TTY: (612) 201-5797 or 1-888-345-0823

Alternative Format. Upon request, the 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.

Paul Eger, Commissioner
Minnesota Pollution Control Agency

Sanne Magnan, Commissioner
Minnesota Department of Health

Minnesota Pollution Control Agency (MPCA)**Industrial Division****Public Notice for Extension of the Public Comment Period for the National Pollutant Discharge Elimination System/State Disposal System Multi-Sector General Permit for Industrial Stormwater Activity**

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is extending the period for the public to submit comments on the draft National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) General Permit MN R050000, being issued under the provisions of *Minnesota Rules* 7001.0210, for discharges of stormwater associated with industrial activity. Comments on the proposed permit are requested from affected or interested parties. Comments should be submitted in writing in accordance with the provisions of this notice.

The draft NPDES/SDS Multi-Sector General Permit for Industrial Stormwater Activity addresses discharge of stormwater associated with industrial stormwater activity into waters of the state of Minnesota. This notice and permit are issued under the following authorities: Section 402, Clean Water Act, as amended; *Minnesota Statutes*, Chapters 115 and 116, as amended; and *Minnesota Rules*, Chapters 7001 and 7090.

Pursuant to *Minnesota Rules* 7001.0110, Subpart 4, the public comment period may be extended by the Commissioner if the Commissioner finds an extension of time is necessary to facilitate additional public comment.

Public Notice for Draft Permit Issued On:

July 6, 2009

Public Notice for Extension of Public Comment Period Issued On:

August 17, 2009

Last Day to Submit Comments:

September 4, 2009, 4:30 p.m.

Potential Applicants: Public and private facilities with industrial activities described in 40 *Code of Federal Regulations* 122.26(b)(14) categories (i-ix and xi).

NOTICE: The Agency published a request for comments on the draft NPDES/SDS Multi-Sector General Permit MNR 050000 in the *State Register* on July 6, 2009. The Agency subsequently received multiple requests to extend the public comment period in order to provide the public with an adequate amount of time to review the draft general permit. The Agency Commissioner has determined that extending the public comment period to September 4, 2009 will facilitate additional comment.

The Agency proposes to issue NPDES/SDS Multi-Sector General Permit MN R050000, which replaces the expired NPDES/SDS General Permit MN G610000. This general permit covers the discharge of stormwater associated with industrial activity to waters of the state of Minnesota from facilities with industrial activity described in federal regulation, 40 *Code of Federal Regulations* 122.26(b)(14). This general permit reorganizes the federal categories into sectors. The duration of this permit is five years.

The authority to develop and issue a general permit is based on the 1979 U.S. Environmental Protection Agency (USEPA) revisions to the NPDES Program regulations, 40 *Code of Federal Regulations* 122.28, which created a class of permits called general permits. General permits are issued by the Agency in the State of Minnesota under *Minnesota Statutes*, Chapters 115 and 116, and *Minnesota Rules* 7001.0210. General permits can be issued in states with NPDES authority if the state program includes general permit authority from the USEPA. The Agency's general permit program was approved by the USEPA on December 15, 1987. This general permit is based on federal requirements in 40 *Code of Federal Regulations* 122.26, and state requirements in *Minnesota Rules* 7001.0210 and *Minnesota Rules*, Chapter 7090.

This general permit requires the Permittee to develop and implement specific stormwater control measures that will reduce, minimize, or eliminate contaminated stormwater discharge in order to protect water quality and satisfy appropriate requirements of the Clean Water Act.

The Owner/Operator of a facility who is able to provide a storm-resistant shelter to protect all industrial materials and industrial activities from exposure to rain, snow, snowmelt, or runoff; and who submits a certification of No Exposure, and maintains this condition of No Exposure, will be excluded from NPDES/SDS permit requirements for industrial stormwater discharges for a period of five years, as long as the condition of No Exposure is maintained.

Official Notices

To obtain permit authorization or to request the No Exposure exclusion, all current Permittees, Owners/Operators of current No Exposure facilities, and Owners/Operators of existing facilities needing coverage that have not yet applied for or been issued an industrial stormwater general permit or No Exposure coverage card, are required to submit an application within 60 to 180 days of the permit effective date, depending on industry sector, as described in the draft general permit.

Interested persons are invited to submit written comments on this proposed draft general permit. Any comments received before 4:30 p.m. on the last day of the comment period (see above) will be considered before the draft general permit is finalized.

Comments on the draft general permit should include the following information, pursuant to *Minnesota Rules* 7001.0110:

1. A statement of the person's interest in the draft permit.
2. A statement of the action the person would like the Agency to take, including specific references to sections in the draft permit.
3. Reasons supporting the person's position.

Any person may request a public informational meeting on the draft general permit before the end of the public comment period. Any request for a public informational meeting must include the information in items 1 through 3 listed above.

Any person may submit a petition for a contested case hearing on the draft general permit before the end of the public comment period. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the Agency will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the draft permit; (2) the Agency has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the Agency in resolving the disputed facts in making a final decision on the draft permit. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final Agency decision. A petition for a contested case hearing must include the following information: (1) a statement of reasons or proposed findings supporting the Agency decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and (2) a statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter. The draft general permit and fact sheet are available for review at the Minnesota Pollution Control Agency located at 520 Lafayette Road North, St. Paul, Minnesota 55155, during regular business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. You may also find a copy of the draft general permit and fact sheet at the Agency web site at:

<http://www.pca.state.mn.us/water/stormwater/stormwater-i.html>

or request a free copy by writing to the address below or by calling Kristin Kirchoff at (651) 757-2089, or 1-800-657-3864. Users of a Telecommunications Device for the Deaf should call (651) 282-5332 to request a copy of the draft permit and fact sheet. Only one copy will be sent per request.

Comments on the draft general permit, requests for a public informational meeting, or requests for a contested case hearing should be submitted to:

Cynthia Kahrman
Industrial Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Ms. Kahrman may be contacted concerning questions regarding the draft general permit at (651) 757-2481, or 1-800-657-3864, or by e-mail at: cynthia.kahrman@state.mn.us.

In the absence of any requests for additional public informational meetings or a contested case hearing, the final decision to issue this general permit will be made by the Agency Commissioner. Any person may request that this general permit be considered by the Agency Citizens' Board prior to final permit action in accordance with *Minnesota Statutes* § 116.02, Subdivision 6 and *Minnesota Rules* 7000.0650. The public is entitled, and welcome, to participate in the activities of the Agency Citizens' Board and Agency staff.

**Minnesota Pollution Control Agency (MPCA)
Regional Division****Public Notice of Availability of Draft Upper Watershed TMDL Studies for Clearwater River Bacteria and Clear Lake, Lake Betsy, Union Lake, Scott Lake, Lake Louisa and Lake Marie Nutrient TMDL Report and Request for Comment****Public Comment Period Begins: August 17, 2009****Public Comment Period Ends: September 16, 2009**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Report for the Clearwater River Bacteria and Clear Lake, Lake Betsy, Union Lake, Scott Lake, Lake Louisa and Lake Marie Nutrient Total Maximum Daily Load (TMDL). The draft TMDL Report for Clearwater River Bacteria and Clear Lake, Lake Betsy, Union Lake, Scott Lake, Lake Louisa and Lake Marie Nutrients is available for review at: <http://www.pca.state.mn.us/water/tmdl>. Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be received by the MPCA contact person listed below by September 16, 2009.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

The total drainage area of the sub-watersheds draining to the impaired portion of the Clearwater River and Chain of Lakes is approximately 93 square miles. The progression of lakes in the Clearwater River Chain of Lakes system from upstream to downstream is Clear Lake, Lake Betsy, Union Lake, Scott Lake, Lake Louisa and Lake Marie. The 10-mile reach of the Clearwater River (river miles 35.0 to 25.0) impaired for bacteria lies between Clear Lake and Lake Betsy. Clear Lake, Lake Betsy, Union Lake, Scott Lake, Lake Louisa and Lake Marie have been placed on the state's impaired waters list because of excess nutrient levels, particularly phosphorus. While phosphorus is an essential nutrient for algae and plants, it is considered a pollutant when it stimulates excessive growth of algae or aquatic plants. The TMDL study assessed the pollutant concentrations and indicated phosphorus will need to be reduced by 26 to 90 percent for the Upper Watershed Clearwater Lakes to meet the water-quality standards during the summer growing season. Required load reductions in terms of fecal coliform to meet E. coli standards range from 35 to 92 percent in the listed reach of the Clearwater River.

The impairments in this watershed were addressed together because the tributary watersheds for the impairments overlap. This means that the implementation plans to address each of the impairments and meet the TMDLs set forth in this report will also overlap.

Agency Contact Person: Written or oral comments, petitions, questions, or requests to receive a draft of the TMDL Reports, and requests for more information should be directed to:

Maggie Leach

Minnesota Pollution Control Agency

7678 College Road, Suite 105

Baxter, MN 56425

Phone: (218) 316-3895**Minnesota Toll Free:** 1-800-657-3864**Fax:** (218) 828-2594**E-mail:** margaret.leach@pca.state.mn.us**TTY** users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Preliminary determination on the draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed above, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl>

Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

Official Notices

Written Comments: You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the draft TMDL Report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules 7000.1900*, the MPCA will grant a petition to hold a contested case hearing if it finds that:

1. There is a material issue of fact in dispute concerning the application or draft TMDL Report;
2. The MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and
3. There is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules 7000.1900*, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on September 16, 2009, date the public comment period ends. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if:

1. The Commissioner grants the petition requesting the matter be presented to the Board;
2. One or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or
3. A timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules 7000.0650*.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL Report.

State Contracts

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

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

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

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and

anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar 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**
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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

Minnesota State Colleges and Universities (MnSCU)

Central Lakes College

Notice of Bid for New or Used 20 - 34 Passenger Buses

Central Lakes College is requesting sealed bids for the purchase of two new or used 20-34 passenger buses. Detailed specifications may be obtained by contacting Debbie Sterriker at 218-894-5103. Bids will be accepted at the Staples Campus until 2:00 pm on Wednesday, September 2, 2009 at which time they will be publicly opened and read aloud.

All bids must be sealed and marked "BID FOR 20-34 PASSENGER BUSES" in the lower left hand corner of the envelope. A certified check or bid bond in the amount of 5% of the bid amount must accompany each purchase proposal.

Submit bids to:

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

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

Central Lakes College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 1-800-627-3529 and request contact to Central Lakes College.

State Contracts

Minnesota State Colleges and Universities (MnSCU) Chancellor's Office Request for Proposals for Delivered Catering Services

NOTICE IS HEREBY GIVEN that proposals are being solicited from qualified vendors to provide delivered catering services for the Minnesota State Colleges and Universities Office of the Chancellor located at the Wells Fargo Place Building in St. Paul. The anticipated contract period is for two years commencing October 1, 2009.

Vendors must have evidence of successful experience in catering and have the ability to provide quality service and wholesome food at moderate prices.

A complete copy of the Request for Proposal can be found on the Minnesota State Colleges and Universities Finance Division web site, www.finance.mnscu.edu. For further information please contact:

Dennis Carlson, Office Services Assistant
Minnesota State Colleges and Universities/Office Services
Wells Fargo Place
30 - 7th St. E., Suite 350
St. Paul, MN 55101
E-mail: *Dennis.carlson@so.mnscu.edu*
Telephone: (651) 201-1584
FAX: (651) 649-5770

Responses are due no later than 3:00 P.M. Central Time on September 9, 2009.

This request for proposal does not obligate the State to complete the proposed project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (MnSCU) Normandale Community College Notice of Availability of Request for Proposal (RFP) for Media Buying Agent

Normandale Community College will receive proposals for a media buying agent which will provide advertising/media planning, negotiating, placement, resizing of advertisements, auditing and record-keeping with multiple broadcast and print media outlets.

For additional information or to request a copy of the Request for Proposal contact:

Mary Solverson, Marketing Communications
Normandale Community College
9700 France Ave S
Bloomington, MN 55431-4399
Telephone: (952) 487 8192
Fax: (952) 487 8101
E-mail: *mary.solverson@normandale.edu*

Proposals are due by 12 noon, CDT, Wednesday, September 2, 2009.

Send proposals to: Attn: Terry Pelzel, Suite C-1092, 9700 France Ave. S., Bloomington, MN 55431-4399

This notice and the Request for Proposal do not obligate the State of Minnesota, the Minnesota State Colleges and Universities system or Normandale College to award a contract and each reserves its right to withdraw from the RFP if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU)**Normandale Community College****Notice of Availability of Request for Proposal (RFP) for Owner's Representative Services for: Normandale Community College, Bloomington, MN – Kopp Student Center New and Renovation Project**

The State of Minnesota, acting through its Board of Trustees of the Minnesota State College and Universities, on behalf of Normandale Community College, is soliciting proposals from interested, qualified consultants for Owner's Representative Services for the above referenced project.

A full Request for Proposals is available on the Normandale Community College website: <http://www.normandale.edu/rfp/fo/index.cfm>

A copy of the pre-design is available for review at the college by appointment by contacting gail.scheid@normandale.edu. An informational meeting is scheduled for **10:00 a.m., Tuesday, August 25, 2009** at Normandale Community College, in **Room F1265**, 9700 France Avenue South, Bloomington, MN 55431. All firms interested in this meeting should contact Gail Scheid, at (952) 487-8159 or gail.scheid@normandale.edu to sign up to attend the meeting.

Proposals must be delivered to **Room C2107 of the College Service Building**, 9700 France Avenue South, Bloomington, MN 55431 **not later than 2:00 p.m., Monday, August 31, 2009**. Late responses will **NOT** be considered.

Minnesota State Colleges and Universities (MnSCU)**Normandale Community College****Notice of Request for Proposal for Replacement of the Fire Alarm System**

Proposal must be presented by **12 noon on Friday August 28, 2009**. Deliver proposal to:

Darrel Laubach
Studio Five Architects, Inc.
1170 Ford Centre, 420 North Fifth Street
Minneapolis, MN 55401
Phone: (612) 339-0605, ext. 111
E-mail: darrell@studiofivearch.com

Project Scope: Normandale Community College is seeking proposals for design and construction services for a replacement of its fire alarm system. Normandale Community College has approximately 500,000 gross square feet of space, with instructional classrooms, laboratories, office spaces, bookstore, food venue, and other spaces. All existing fire alarm system devices will be replaced throughout the entire campus. A new addressable reporting, microprocessor controlled fire detection and alarm system will be installed.

A **Mandatory Pre-Proposal Informational Meeting** will be held in Building Services, Room B-1611, Normandale Community College on August 24, 2009 at 10:00 AM. Please contact Darrel Laubach at darrell@studiofivearch.com to register the names that plan on attending.

A complete copy of the Bid documents and attachments will be posted on the Normandale Community Colleges website: www.normandale.edu/rfp/buildings

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Minnesota State Colleges and Universities (MnSCU)

Saint Paul College

Sealed Bids Sought for Printing of Saint Paul College Magazine-Spring Semester 2010

Sealed bids must be received by 2:00pm, Tuesday, September 1st, 2009.

Deliver bids to:

Saint Paul College
Business Office, room 1240
235 Marshall Ave
Saint Paul MN 55102

Print specifications are available by contacting Nataliya Kabakova at nataliya.kabakova@saintpaul.edu or (651) 846-1350

Department of Health (MDH)

Health Promotion and Chronic Disease Division

Request for Proposals for the Minnesota Poison Control System

The Minnesota Department of Health (MDH) is soliciting proposals for the operation of a poison control system in Minnesota. This project is specifically designed to serve the needs of the citizens of the state for information relating to the prompt identification and appropriate home management or referral of cases of human poisoning.

MDH is seeking proposals for a two-year time period (January 1, 2010 – December 31, 2011) for four program components: call response, emergency preparedness, professional education, and public awareness. The department will award all components to one applicant – \$2,528,000 for two years. Eligible applicants are for-profit and nonprofit entities and units of government.

To be considered for funding, proposals must be received by 4:00 p.m. CDT, Monday, October 5, 2009 at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101. If proposals are sent by U.S. mail or other delivery service, it is wholly the responsibility of the proposer to ensure that the proposal package is properly addressed and physically delivered on time. Late proposals will not be considered.

A copy of the full Request for Proposals may be obtained at <http://www.health.state.mn.us/divs/hpcd/poisoncontrol>.

A copy can also be obtained by contacting:

Vicky Townsend
Health Promotion & Chronic Disease Director's Office
Minnesota Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
Phone: (651) 201-3602
E-mail: vicky.townsend@state.mn.us

Minnesota Office of Higher Education Request for Proposals for Graphic Designers Notice of Availability of Contract for design, production and editing

The Minnesota Office of Higher Education is requesting proposals for the purpose of completing a series of graphic design projects for students, parents and schools involving print and online media.

Work is proposed to start after October 1, 2009.

A Request for Proposals will be available from this office through September 8, 2009. The Request for Proposal can be obtained from:

Lisa Thompson
Minnesota Office of Higher Education
Suite 350, 1450 Energy Park Drive
St. Paul, MN 55108
E-mail: lisa.thompson@state.mn.us
Phone: (651) 259-3903

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4 p.m. daylight CST Tuesday, September 8, 2009. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

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

Minnesota Historical Society (MHS) (on behalf of itself, the Minnesota State Arts Board, and the Minnesota Humanities Center) REQUEST FOR NOMINATIONS

The Minnesota Historical Society, the Minnesota State Arts Board, and the Minnesota Humanities Center invite your participation in a process that will affect financing for the arts, history, and cultural heritage in Minnesota for the next 25 years. In November 2008, the citizens of our state added a provision to our state constitution that provides dedicated funds for the next 25 years to support “the arts, arts education, and arts access and to preserve Minnesota’s history and cultural heritage.” These funds, generated by a portion of an increase in the sales tax that also supports outdoor heritage, clean water, and parks and trails, constitute the **Arts and Cultural Heritage Fund**.

In addition to making the first appropriations from this fund in May, the Minnesota State Legislature has charged the **Minnesota State Arts Board**, the **Minnesota Historical Society**, and the **Minnesota Humanities Center** with leading a process to develop “a 10-year plan and a 25-year framework for the use of the money” available in this fund.

The legislature specified that representatives from the following other constituencies and organizations join us in that effort: an arts organization serving youth; an arts organization serving adults; a civics education organization; local and regional historical organizations; Minnesota zoos; children’s museums; libraries; public television; public radio; and the Science Museum of Minnesota. The plan and framework must be complete and submitted to the legislature by January 15, 2010.

Nominations for representatives from the organizations listed above are now being solicited. Nominations, should include up to three letters of support for the nominee, as well as the following information:

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- The nominee's name, mailing address, and e-mail address,
- The nominee's current occupation, title, and employer, and
- A brief statement attesting to the nominee's qualifications for representing the particular category.

Nominations must be submitted online at: www.achfMinnesota.org by **3:00 p.m. Local Time on Tuesday, September 15, 2009**. Late submittals will not be considered.

Dated: August 17, 2009

Minnesota Department of Human Services (DHS) Office of Legal Management Notice of Request for Proposals to Assist with Preparing a Collection of E-discovery Data and Legal Privilege Analysis Related to Current Litigation Involving the Department and ACS State and Local Solutions, Inc., a New York Corporation

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals from qualified Responders to assist in reviewing, preparing and producing a collection of E-Discovery data and an analysis of related legal privileges, additional analysis will include a determination of and assignment of an issue identifiers. The subject matter of this will relate to a filed suit titled: *ACS State and Local Solutions, Inc., a New York corporation, Counter-Defendant, vs. State of Minnesota, through its Commissioner of the Department of Human Services, Court File No. 62-CV-08-9261*. ACS State and Local Solutions, Inc. is represented in this matter by the law firm Faegre & Benson.

The current estimate on the size of the data is approximately 5 gigabytes. This data will have had a de-duplication process already run on it prior to submission to the vendor. This data is mainly E-Docs. Within the first phase of this project, the data will need to be prepared for the Attorney General's Summation Enterprise system and subsequent transfer to opposing counsel.

The term of any resulting contract is anticipated to be from September 2009 until December 31, 2009, with the option for extensions as necessitated by the ongoing discovery proceedings.

- Work is proposed to start September 21, 2009.
- A Request for this Proposals will be available at: http://www.dhs.state.mn.us/id_000102
- For more information, or to obtain a copy of the Request for Proposal, contact:

Department of Human Services
Appeals and Regulations Division
P.O. Box 64941
444 Lafayette Road North, St. Paul, MN 551550998
Attn: Jay A. Brunner
E-mail: jay.brunner@state.mn.us

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, August 28, 2009**. **Late proposals will NOT be considered**. Faxed or e-mailed proposals will **NOT** be considered.

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

Department of Natural Resources (DNR)**Division of Lands and Minerals****Notice of Availability of Contract for Evaluation of Permitting Documents for Financial Assurance Cost Estimation for a Copper and Nickel Mine in Northeastern Minnesota**

The Minnesota Department of Natural Resources, Division of Lands and Minerals, is seeking proposals from qualified firms or individuals to assist in the evaluation of the aspects of *PolyMet* Mining, Inc.'s Permit to Mine application that address financial assurance cost estimation related to the proposed NorthMet open-pit mine and operating facilities near Hoyt Lakes, Minnesota. In particular, the successful responder will review financial assurance cost estimates and mechanisms proposed by *PolyMet* to ensure a source of available funds if a permit holder fails to perform reclamation activities. Review of financial assurance cost estimates will be completed in two phases with the possibility of a gap in time between the first and second phases of review. In the first phase, the successful responder will review the approach being proposed by *PolyMet* for its reclamation plan for the known and unknown legacy sites in relation to the existing processing and tailings basin facilities formerly operated by LTV Steel Mining Company.

The second phase of review will include the assessment of financial assurance submitted in relation to *PolyMet's* proposed NorthMet copper-nickel mine and all associated activities. Review will include evaluation of mine operation plans, proposed closure and reclamation activities, cost projections, financial assurance tools (e.g., letters of credit, trust funds, insurance), and risk assessment associated with nonferrous mining operations.

The Request for Proposals can be obtained by mail or email from:

Jennifer Engstrom
Mineland Reclamation Manager
500 Lafayette Road, Box 45
St Paul, MN 55155-4045
E-mail: jennifer.engstrom@state.mn.us
Phone: (651) 259-5385

Proposals submitted in response to the Request for Proposals (RFP) in this advertisement must be received at the address above no later than 2:30 pm, CDT, September 25, 2009. Late proposals will not be considered. Fax or emailed proposals will not be considered. Questions on this RFP should be directed to the above listed person. Other personnel are **NOT authorized** to discuss this request for proposals with responders, before the proposal submission deadline. Contact regarding this RFP with any state of Minnesota personnel not listed above could result in disqualification.

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

Minnesota Pollution Control Agency (MPCA)**Request for Proposals for Professional Master Contract for Climate Registry Reporting Verification**

The Minnesota Pollution Control Agency (MPCA) (lead agency), and the Minnesota Department of Natural Resources (MDNR) and the Metropolitan Council (Council) request proposals from Contractor(s) that are accredited verification bodies in The Climate Registry (Registry). See: <http://www.theclimateregistry.org/resources/verification/accreditation> for more information.

Together the MPCA, MDNR and the Council herein after The Climate Registry Reporting Governmental Units (TCRRGU) seek to utilize the services of a Registry-approved verifier to complete the verification of the reported emissions inventories consistent with the Registry Verification Protocols. The Response to the proposal can be for all three (3) participants of TCRRGU (MPCA, MDNR and Council) or any one of the TCRRGU participants. The Contract will be effective **October 26, 2009**, or from the date of contract execution

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(whichever is later) to the anticipated end date of March 1, 2011, with the option of three (3) one (1) year extensions upon agreement in each instance of each party.

A complete Request for Proposal (RFP) describing the requirement necessary for the services described above can be obtained as noted below. For a copy of the Request for Proposal, contact:

Kris Wenner
Minnesota Pollution Control Agency
Operational Support Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Phone: (651) 757-2815
E-mail: Contracts@pca.state.mn.us

Responders are encouraged to supply an email address and to receive the RFP electronically. The subject line of the email request should state "*Climate Registry Reporting Verification CR #2442.*"

Prospective Contractors who have any questions regarding this RFP must write, e-mail, or fax questions to: Kris Wenner, Minnesota Pollution Control Agency, 520 Lafayette Road, 1st Floor, St. Paul, Minnesota 55155. **Telephone:** (651) 757-2815, **fax:** (651) 297-1456 or **e-mail:** Contracts@pca.state.mn.us, subject line *Climate Registry Reporting Verification CR #2442.*"

All questions must be received in writing by the MPCA by **2:00 P.M. on August 27, 2009**. Responses to the questions will be mailed to all parties who have been sent an RFP by August 31, 2009. Other MPCA, MDNR, and Council personnel are not allowed to discuss the RFP with anyone, including Responders, during the RFP process.

Your Response to the proposal must be received in the office of the Minnesota Pollution Control Agency with the date and time of receipt stamped by MPCA no later than **2:00 P.M.** (as determined by the MPCA clock stamp) (**Central Daylight Time**) on **Wednesday, September 9, 2009**. Fax and email responses will NOT be considered. **Late proposals will NOT be considered.**

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

State Contracts

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

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 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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- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
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