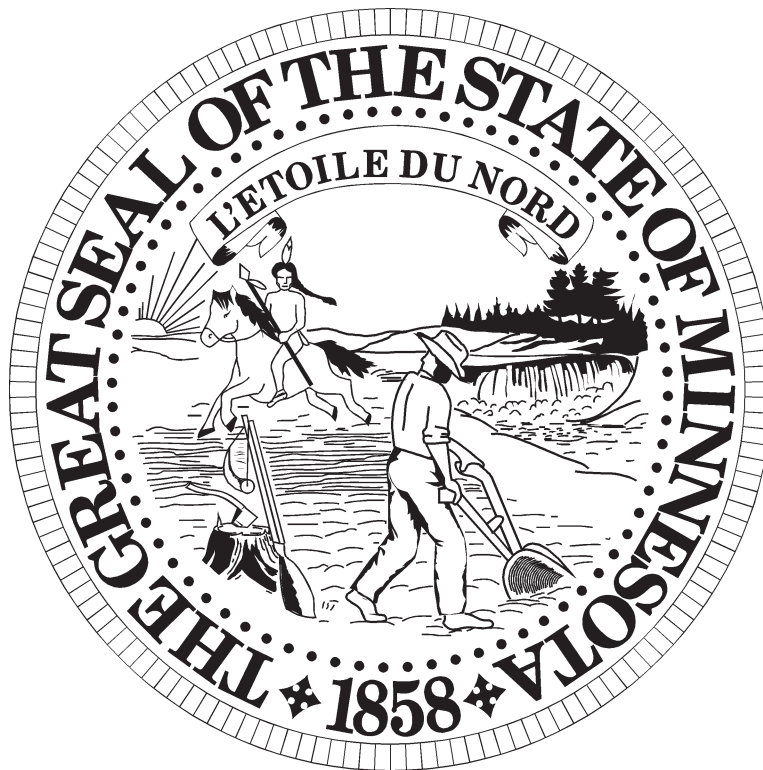


State of Minnesota

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)

**Monday 27 December 2010
Volume 35, Number 26
Pages 931 - 968**

State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines									
Vol. 35	PUBLISH DATE			Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts				Deadline for Proposed, Adopted and Exempt RULES	
Issue Number	(BOLDFACE shows altered publish date)								
# 26	Monday	27	December	Noon Tuesday	21	December	Noon Wednesday	15	December
# 27	Monday	3	January 2011	Noon Tuesday	28	December	Noon Wednesday	22	December
# 28	Monday	10	January	Noon Tuesday	4	January 2011	Noon Wednesday	29	December
# 29	Monday	17	January	Noon Tuesday	11	January	Noon Wednesday	5	January 2011

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Minnesota Rules: Amendments and Additions

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

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

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

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

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

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

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

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

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

Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design

Proposed Permanent Rules Relating to Licensing and Operation

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 New Rules and Amendment to Rules Governing Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Certified Interior Design, *Minnesota Rules*, 1800.0050, 1800.0100, 1800.0110, 1800.0120, 1800.0130, 1800.0140, 1800.0400, 1800.1500, 1800.1700, 1800.2100, 1800.2200

Introduction. The Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (Board) 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 January 26, 2011, the Board will hold a public hearing in Suite 295, Golden Rule Building, 85 E. 7th Place, St. Paul, Minnesota 55101, starting at 9:00 a.m. on Monday, February 7, 2011. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 26, 2011 and before February 7, 2011.

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: Andrea Barker at Board of AELSLAGID, 85 East 7th Place, Suite 160, St. Paul, Minnesota 55101; **phone:** (651) 757-1511; **fax:** (651) 297-5310; **e-mail:** andrea.barker@state.mn.us. **TTY** users may call the Board of AELSLAGID at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about: updating the education and experience requirements for licensure as a landscape architect or certification as a certified interior designer; requiring response to communications from the Board; appearing before the Board following request from the Board; notifying the Board of address change, name change, felonies and disciplinary action; and defining cheating on examinations, remedial action, and examination security. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326.06 (2010). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Proposed Rules

Comments. You have until 4:30 p.m. on Wednesday, January 26, 2011 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 Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, January 26, 2011. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The Board will cancel the hearing scheduled for February 7, 2011 if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 757-1511 after January 26, 2011 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 Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Manuel J. Cervantes is assigned to conduct the hearing. Judge Cervantes can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7945, and **fax:** (651) 361-7936.

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

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

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Statement of Need and Reasonableness. The statement of need and reasonableness summarizes 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 for the cost of reproduction by contacting the agency contact person. The SONAR is also available on the Board's website at *www.aelslagid.state.mn.us*.

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

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

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

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

December 20, 2010

Signed by Doreen Frost, Executive Director
Architecture, Engineering, Land Surveying,
Landscape Architecture, Geoscience, Interior Design

1800.0050 DEFINITIONS.

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

Subp. 2. Applicant. "Applicant" means a person applying to take the Architect Registration Examination, Fundamentals of Engineering Examination, Principles and Practice of Engineering Examination, Fundamentals of Surveying Examination, Principles and Practice of Surveying Examination, Minnesota Local Land Surveying Examination, Fundamentals of Geology Examination, Practice of Geology Examination, Fundamentals of Soil Science Examination, or Professional Practice of Soil Science Examination or a person applying for licensure as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or a person applying for certification as a certified interior designer. Applicant also means a candidate and persons who have passed their respective professional examination but have not yet received their license or certificate in Minnesota.

1800.0100 COOPERATION IN COMMUNICATIONS.

An applicant, licensee, or certificate holder shall respond to communications from the board, committees of the board, or the assistant attorney general on behalf of the board within 30 days of the mailing of communications, unless an earlier response is specified. An applicant, licensee, or certificate holder shall appear before the board, committees of the board, or the attorney general when requested to do so and provide copies of all pertinent records, including handwriting samples, to assist the board in its investigations. An applicant, licensee, or certificate holder shall sign an authorization letter giving the board access to information relating to a board investigation that is held by any federal, state, or other local government agency or professional organization, the subject matter of which pertains to conduct described in *Minnesota Statutes*, sections 326.02 to 326.15, when requested to do so by the board or by the attorney general.

1800.0110 APPEARANCE BEFORE BOARD.

Notwithstanding any other provision in law or rule, for purposes of assisting the board in determining the person's qualifications or compliance with *Minnesota Statutes* or *Minnesota Rules*, and at the request of the board, a committee of the board, or the attorney general, a holder or applicant of a certificate or license issued by the board shall:

A. appear and provide sworn testimony before the board, a committee of the board, or the attorney general;

B. respond to any questions of the board, a committee of the board, or the attorney general; and

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C. produce any evidence requested by the board, a committee of the board, or the attorney general.

Nothing in this part limits the board from requiring appearance before the board under any applicable statute or rule.

1800.0120 NOTIFICATION.

Subpart 1. Required information.

A. Each applicant, licensee, or certificate holder shall provide the board a current street address and telephone number. A post office box address is not sufficient to satisfy this requirement. Each applicant, licensee, or certificate holder must notify the board in writing of any change in address within 30 days of the change.

B. Each applicant, licensee, or certificate holder shall provide the board with a legal name change document within 30 days of any change in name.

C. Each applicant, licensee, or certificate holder must notify the board in writing within ten days if the applicant, licensee, or certificate holder has:

(1) been convicted of or has pled guilty or nolo contendere to a felony, an element of which is dishonesty or fraud, whether or not the person admits guilt;

(2) engaged in acts or practices tending to show that the applicant, licensee, or certificate holder is incompetent; or

(3) engaged in conduct reflecting adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or use of the title certified interior designer, as applicable.

D. Each applicant, licensee, or certificate holder must notify the board in writing within ten days if the applicant, licensee, or certificate holder has had an architecture, engineering, land surveying, landscape architecture, geoscience license, or interior design certificate, right to exam, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, in the District of Columbia, or in any foreign country.

1800.0130 EXAMINATION IRREGULARITIES; CHEATING.

Subpart 1. Generally. Cheating by an applicant in applying for or taking the examination, or discovered subsequent to the examination, will result in the board initiating a complaint and investigation, which may lead to sanctions as identified in *Minnesota Statutes*, section 326.111, and related rules.

Subp. 2. Actions constituting cheating. For purposes of *Minnesota Statutes*, section 326.111, subdivision 4, paragraph (a), clause (5), the following acts and practices are considered fraudulent, deceptive, or dishonest:

A. falsifying or misrepresenting educational credentials or other information required by the board to sit for the examination;

B. conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials;

C. impersonating an examinee or permitting an impersonator to take the examination on one's own behalf;

D. unauthorized access or reference to prohibited devices or materials, inside of or outside of the examination room, other than that provided to the candidate by the examination administrator as part of the examination or as authorized by the board while the candidate is taking the examination;

E. conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;

F. unauthorized disclosure of examination questions or content; or

G. seeking out confidential examination questions or content.

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Subp. 3. **Nonlimitation of authority.** This part does not limit the authority of the board from taking action against an applicant, examinee, licensee, or certificate holder under the provisions of any other law or rule.

Subp. 4. **Remedial action during examination.** In any case in which it appears that cheating has occurred or is occurring, the board or an exam administrator will take action including summarily expelling the candidate involved from the examination or moving the candidate to a position in the test site away from other examinees where the candidate can be watched more closely.

1800.0140 SECURITY AND IRREGULARITIES.

Notwithstanding any other provisions under this chapter, the board may postpone scheduled examinations, the grading of examinations, or the issuance of certificates due to a breach of examination security; unauthorized acquisition or disclosure of the contents of an examination; suspected or actual negligence, errors, omissions, or irregularities in conducting an examination; or for any other reasonable cause or unforeseen circumstance.

1800.0400 APPLICATION FOR LICENSURE AND CERTIFICATION.

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

Subp. 1a. **Information required.** The applicant shall submit to the board, on a form prescribed by the board, information relative to:

A. place and date of birth;

B. time and place of schools attended and studies completed;

C. status relative to graduation from such schools or completion of studies;

D. final official transcript showing the date of award of the degree or degrees received;

E. for engineer, land surveyor, geologist, and soil scientist applicants, whether the Fundamentals of Engineering (FE), Fundamentals of Land Surveying (FLS), geologist-in-training, or soil scientist-in-training examination has been successfully completed;

F. for landscape architect applicants, ~~that whether~~ the Landscape Architect Registration Examination (LARE) has been successfully completed; ~~and~~

G. for certified interior designer applicants, whether the written examination administered by the National Council for Interior Design Qualification (NCIDQ) has been successfully completed; and

~~G, H,~~ a record of personal employment, with all dates and with complete information relative to duties and type of work performed, and particularly outlining the applicant's responsibilities in charge of the whole or any part thereof.

Subp. 2. **Evaluation of information.** The information required by subpart 1a shall be evaluated by the board and if the applicant is found ineligible for admission to the examination, ineligible for licensure as a landscape architect, or ineligible for certification as a certified interior designer, at that time, the applicant shall be notified in writing and given the reasons for the ineligibility. If the applicant for licensure as a landscape architect is eligible for licensure at the time of application, the applicant shall be notified by the board in writing. If the applicant for certification as a certified interior designer is eligible for certification at the time of application, the applicant shall be notified by the board in writing. If the applicant for examination is eligible at the time for admission to the examination, the applicant shall be notified by the board in writing.

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

1800.1500 EDUCATION AND EXPERIENCE.

Subpart 1. **Examination requirement.** An applicant for licensure as a landscape architect shall pass the examination referred to in part 1800.1700, ~~submit a CLARB council record under part 1800.0800, item F;~~ and satisfy the education and experience requirements in subparts 3 to 5. Successful passage of the examination referred to in part 1800.1700 is required of an applicant in order to be licensed under part 1800.0800, item G. An applicant for licensure under part 1800.0800, item G, must satisfy the Minnesota licensing requirements in effect at the time of the applicant's original licensure in the other state.

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

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Subp. 4. **Experience requirement.** An applicant for licensure as a landscape architect shall present evidence of completion of a minimum of at least three years of qualifying experience under the supervision of licensed landscape architects, if the applicant has graduated from a five-year baccalaureate curriculum in landscape architecture accredited by the Landscape Architectural Accreditation Board (LAAB). Four years of qualifying experience is required, if the applicant has graduated from an institution with a four-year LAAB-accredited baccalaureate curriculum in landscape architecture the experience requirement in items A to C.

A. The number of years of professional experience required is based on the following table:

<u>Degree Received</u>	<u>Years of Education</u>	<u>Years of Professional Experience</u>
<u>Graduation from a five-year baccalaureate curriculum in Landscape Architecture accredited by the LAAB.</u>	<u>5</u>	<u>3</u>
<u>Graduation from a four-year baccalaureate curriculum in Landscape Architecture accredited by the LAAB.</u>	<u>4</u>	<u>4</u>
<u>A related degree PLUS graduation from a LAAB-accredited master's or doctorate curriculum in Landscape Architecture.</u>	<u>5 or more</u>	<u>3</u>

B. Qualifying experience must be acquired after graduation and be under the direct supervision of a licensed landscape architect.

C. Qualifying experience under the direct supervision of a licensed architect or licensed professional engineer shall receive full credit up to a maximum of one year when the work is related to landscape architecture.

D. Qualifying experience gained under a licensed landscape architect before graduation from an accredited landscape architectural curriculum, in increments of 90 days or more, will be permitted. Not more than one year of credit shall be allowed for qualifying landscape architectural experience gained before graduation from an accredited landscape architect curriculum. The experience gained prior to graduation from an accredited landscape architectural curriculum shall be credited at the rate of 50 percent up to the maximum allowable credit of one year.

Subp. 5. [See repealer.]

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

1800.1700 WRITTEN EXAMINATIONS.

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

Subp. 2. **Equipment during examination.** Handbooks, tables, reference books, bound notes, and hand-held, nonprogrammable, battery-operated, electronic calculators are permitted when authorized by the board. Applicants shall only use equipment approved by CLARB during the Landscape Architect Registration Examination.

1800.2100 EDUCATION AND EXPERIENCE.

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

Subp. 2. ~~Admission to written examination~~ **Education and experience requirement.** To qualify for admission to the written examination certification as a certified interior designer, an applicant shall present evidence that the applicant has obtained at least six qualifying credits for completed the education and experience as provided in subpart 3 requirements in items A and B.

A. For purposes of this subpart, "equivalent education" means education which the board, after review of an applicant's transcript and other educational materials, finds to be substantially the same in terms of the curriculum composition and content of classes taken by the applicant which culminates in a minimum of a bachelor's degree in interior design accredited by the Council for Interior Design Accreditation (CIDA) or its predecessor, the Foundation for Interior Design Education Research (FIDER). The education requirement must be fulfilled by one of the following options as described:

(1) graduation from a four- or five-year professional-level interior design program resulting in a bachelor's or master's degree, which includes completion of 60 semester hours or 90 quarter hours of interior design course content from a program accredited by CIDA or its predecessor, FIDER, or equivalent education;

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(2) graduation prior to June 1, 2011, from a two-year preprofessional or paraprofessional program in interior design accredited by CIDA or its predecessor, FIDER, or equivalent education; or

(3) graduation prior to June 1, 2011, from a three-year professional level program in interior design accredited by CIDA or its predecessor, FIDER, or equivalent education.

B. Experience must be under the direct supervision of a certified interior designer, NCIDQ certificate holder, licensed architect, or, prior to June 1, 2011, an interior designer.

(1) If the applicant meets the educational requirements of item A, subitem (1), the experience required is completion of the Interior Design Experience Program (IDEP), as provided by NCIDQ or its successor, or a minimum of two years of qualifying interior design experience;

(2) If the applicant meets the educational requirements of item A, subitem (2), prior to June 1, 2011, the experience required is completion of a minimum of four years of qualifying interior design experience; or

(3) If the applicant meets the educational requirements of item A, subitem (3), prior to June 1, 2011, the experience required is completion of a minimum of three years of qualifying interior design experience.

C. Experience must be diversified in the practice of interior design for public spaces and include all ten of the following knowledge areas, documented as required by the board:

(1) space planning;

(2) building code research and analysis;

(3) programming;

(4) schematic design and design development;

(5) preparation of construction documents;

(6) cost estimating;

(7) specification of building materials and finishes;

(8) specification of furnishings, fixtures, and equipment;

(9) bidding/negotiating procedures; and

(10) construction administration.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

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

1800.2200 PROCEDURES.

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

Subp. 2. **Admission to examination.** ~~An applicant shall be admitted to the examination, if, by the date of the examination, the applicant has completed the education and experience requirements in part 1800.2100. The applicant shall apply for examination directly to the National Council for Interior Designer Qualification (NCIDQ) and follow the procedures outlined by the NCIDQ.~~

Subp. 3. **Application for certification.** ~~Applicants shall submit to the board a completed application according to part 1800.0400, including verification of completed education, examination, and experience requirements and the appropriate application fee as described~~

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~~in part 1800.0500, subpart 1. The application shall be submitted on a form provided by the board and. If the applicant was not required to complete IDEP, the applicant shall include a detailed listing of all interior design related experience gained as provided in part 1800.2100. The list of experience shall include the name and mailing address of the applicant's supervising interior designer or other supervisors for each period of employment. A final transcript of grades showing the date of award of any degree earned must be submitted by all applicants. The application must include one signed copy of the Board Rules of Professional Conduct. Upon approval or denial by the board, the applicant shall be notified in writing.~~

REPEALER. *Minnesota Rules*, parts 1800.1500, subpart 5; and 1800.2100, subparts 3 and 4, are repealed.

Minnesota Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Chiropractic Prepay Plans

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 Pre-paid plans, *Minnesota Rules*, 2500.7000

Introduction. The Board of Chiropractic Examiners 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 January 28, 2011, the Board will hold a public hearing in Conference Room A, University Park Plaza, 2829 University Avenue Southeast, Minneapolis, Minnesota 55414, starting at 9:00 AM on Wednesday, February 16, 2011. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 28, 2011 and before February 16, 2011.

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: Micki King at The Minnesota Board of Chiropractic Examiners, 2829 University Avenue Southeast, Suite 300, Minneapolis Minnesota, 55414, **phone:** (651) 201-2849, and **e-mail:** (*micki.king@state.mn.us*). **TTY** users may call the Board of Chiropractic Examiners at **TTY:** 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about Pre-paid Plans for chiropractic care, establishing guidelines, limits, and requirements for their use. The statutory authority to adopt the rules is *Minnesota Statutes*, section 148.08 Subd 3. A copy of the proposed rules is published in the *State Register*, on the Board web page at:

<http://www.mn-chiroboard.state.mn.us/RulesRelated/NITA/NITA%20Dual%20Prepay%20plans.pdf>,

and free upon request from the Board contact person identified above

Comments. You have until 4:30 p.m. on Friday, January 28, 2011, 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 Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, January 28, 2011. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Board 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

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25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

Cancellation of Hearing. The Board will cancel the hearing scheduled for February 16, 2011, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2849 after January 28, 2011 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 201-2849 or going on-line at www.mn-chiroboard.state.mn.us.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board 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 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 Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes 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 the SONAR at www.mn-chiroboard.state.mn.us or obtain copies for the cost of reproduction by contacting the agency contact person.

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

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

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

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

Dated: 14 December 2010

Larry A. Spicer DC, Executive Director
Chiropractic Examiners Board

2500.7000 PREPAY PLANS.

Subpart 1. Description. Any arrangement between a chiropractor and a patient for the purposes of entering into an agreement for a course of future treatment for which funds in an amount of \$1,000 or more is collected in advance of these services shall be considered a prepay plan within the meaning of this part. Prepay plans shall include a written statement describing all fees for services, goods, appliances, supplements, or any other benefit considered part of the plan.

Subp. 2. Escrow account.

A. Any funds received as part of a prepay plan shall be deposited into a separate designated escrow account, and shall not be commingled with a chiropractor's personal or business account.

(1) All instruments, including checks and deposit slips, shall bear the phrase "Escrow Account."

(2) The chiropractor shall maintain a clear accounting of all funds received, including the date and from whom the funds were received.

(3) The chiropractor shall maintain a clear accounting of all disbursements including the dates and to whom the disbursements were made, and to which patient the disbursements are to be applied or accounted for.

(4) If the account is an interest-bearing account, the interest shall be applied to the patient's balance. In the event of early termination, the patient shall be provided with a pro rata share of the interest.

B. Funds may only be transferred out of the escrow account for the following reasons:

(1) After services, goods, or appliances have been provided to the patient, and only in the amounts specifically related to the services, goods, or appliances provided.

(2) To reimburse the patient any amounts owed following a notice by either the patient or the chiropractor to terminate the prepay plan. Any amounts shall be transferred according to the written agreement.

C. The chiropractor shall cause a reconciliation of the escrow account to be made no less than quarterly, and shall retain a copy of the reconciliations and all supporting documents for no less than seven years.

Subp. 3. Written plans. All prepay plans shall be in writing, signed by both the chiropractor and the patient, with a copy provided to the patient and a copy maintained in the patient's record, and shall include at least the following:

A. A list of all services which are covered and which are not covered by the plan.

B. A list of all fees related to the services described in item A.

C. A statement that an accounting can be requested by the patient at any time. This accounting shall:

(1) be provided to the patient within 14 days of a written or verbal request;

(2) be separately initialed by the patient; and

(3) itemize all fees used to calculate any reimbursement.

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D. A clear explanation of the reimbursement policies and formulae which are used in returning unused funds to the patient in the event of early termination by either the chiropractor or the patient. This explanation should be separately initialed by the patient. As part of this explanation, a representative example should be provided to the patient.

E. A clear explanation of any policy suspending the plan in the event of a new injury, such as an auto injury or worker's compensation injury. This explanation shall be separately initialed by the patient.

F. The plan shall include a provision for the patient to be notified in writing when the patient's account reaches a zero balance. This document shall be signed by both the patient and chiropractor, with a copy given to the patient and a copy maintained in the patient's file.

Subp. 4. Limitation on number of service treatment dates per plan.

A. No prepay plan may be based upon a package which would exceed 50 visits.

B. A plan may not be renewed until the visits in the previous plan have been exhausted.

Subp. 5. Billing to third-party payors. A chiropractor shall not bill a reimbursement entity or a patient for any amount exceeding what is actually earned and disbursed to the chiropractor.

Subp. 6. Right of cancellation.

A. A person entering into a prepay plan with a chiropractor shall have three business days to cancel the prepay plan with no penalties assessed for cancellation. A prepay plan shall have a clear explanation of the right to cancel, and shall be separately initialed by the patient. A copy of the prepay plan agreement and explanation of the right to cancel shall be maintained in the patient's record, and a copy provided to the patient.

(1) Notwithstanding a chiropractor's normal business hours, the phrase "business days" means Monday through Friday, and shall not include Saturday or Sunday.

(2) Any cancellation shall be in writing and signed and dated or otherwise acknowledged by the patient. Notice of cancellation is sufficient if it indicates by any form of written expression the intention of the patient not to be bound by the contract.

B. Rights of cancellation shall not be waived or otherwise surrendered.

C. If a plan is paid for by a third-party payor such as a credit card or other financing plan, charges shall not be assessed until after midnight of the third business day.

D. If a patient has personally paid for care under a prepay plan, and then exercises the right to cancel during the cancellation period, the chiropractor shall fully refund any unused portion to the patient within 48 hours of receiving the notice of cancellation.

Commissioners' Orders

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

Department of Natural Resources (DNR)

Commissioner's Order No. INF-10-004: Designation of Infested Waters

EFFECTIVE DATE: Upon publication in the *State Register* on December 27, 2010

Statutory authority: *Minnesota Statutes*, section 84D.03, subdivision 1

Supplements: Commissioner's Order INF-07-001 dated October 4, 2007, Commissioner's Order INF-08-001 dated April 21, 2008, Commissioner's Order INF-08-002 dated July 7, 2008, Commissioner's Order INF-09-001 dated May 7, 2009, Commissioner's Order INF-09-002 dated July 9, 2009, Commissioner's Order INF-09-003 dated December 28, 2009, Commissioner's Order INF-10-001 dated April 27, 2010, Commissioner's Order INF-10-002 dated June 13, 2010, and Commissioner's Order INF-10-003 dated August 9, 2010.

WHEREAS, pursuant to *Minnesota Statutes*, section 84D.03, subdivision 1, the commissioner shall designate a water of the state as an infested water if it is determined that the water contains a population of an aquatic invasive species that could spread to other waters if use of the water and related activities are not regulated to prevent spread, or the water is highly likely to be infested by an aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species.

WHEREAS, pursuant to *Minnesota Statutes*, section 84D.03, subdivision 1, the designation of infested waters by the commissioner shall be by written order published in the State Register.

WHEREAS, the following described waters in the state meet the criteria established in *Minnesota Statutes*, section 84D.03, subdivision 1, for designating infested waters and the following explanations apply to the list:

1. A lake in more than one county is listed under the county corresponding to its public waters inventory number, but the designation applies to the entire lake. Lake Superior and designated portions of rivers that flow through more than one county are listed under the heading Multiple Counties.
2. Ponds and wetlands that are not on the public waters inventory are listed with "none" in the number column.
3. Rivers and streams on the public waters inventory are listed without a number in the number column.
4. Changes to previous designations of infested waters are shown by underlining the new text and strikethrough of deleted text.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 84D.03, subdivision 1, the following waters are designated as infested waters and previous designations are modified or removed from designation. All currently designated infested waters are listed at the Department of Natural Resources Web site at:

http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf

Waters infested with brittle naiad.

The following water bodies are infested with brittle naiad (*Najas minor*).

Name	DNR Public Waters Inventory Number
Hennepin County Round Lake	27-0071

Waters infested with Eurasian water milfoil.

The following water bodies are infested with Eurasian water milfoil (*Myriophyllum spicatum*) or its hybrids.

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Name	DNR Public Waters Inventory Number
Anoka County South Coon Lake	02-0048
Le Sueur County Middle Jefferson	40-0092
Wright County Cedar Lake	86-0227
Granite Lake	86-0217

Waters infested with faucet snail.

The following water bodies are infested with faucet snail (*Bithynia tentaculata*).

Name	DNR Public Waters Inventory Number
Cass County Leech Lake River, downstream of Mud Lake (31-0100)	
Itasca County Little Winnibigoshish Lake	31-0850
Multiple Counties Mississippi River, between Lake Winnibigoshish and the confluence of the main channel of the Mississippi River and White Oak Lake branch of the Mississippi River in the SE1/4 of the NW1/4 of S13, T144N, R25W (Cass, Itasca counties)	

Waters infested with flowering rush.

The following water bodies are infested with flowering rush (*Butomus umbellatus*).

Name	DNR Protected Waters Inventory Number
Anoka County Unnamed wetland in the NE $\frac{1}{2}$ $\frac{1}{4}$ of the NE 1/4 of S33, T31N, R22W	none

Waters infested with spiny water flea.

The following water bodies are infested with spiny water flea (*Bythotrephes cederstroemi*).

Name	DNR Public Waters Inventory Number
Cook County North Fowl Lake	16-0036
Pigeon River, downstream of South Fowl Lake	
Royal Lake (on the Royal River)	16-0025
Royal River, between Little John and North Fowl Lakes	
South Fowl Lake	16-0034
St. Louis County Burntside Lake	69-0118
Burntside River, between Burntside Lake and Shagawa Lake	

Commissioner's Orders

Dead River	
East Twin Lake	69-0174
West Twin Lake	69-0167

Waters infested with zebra mussels.

The following water bodies are infested with zebra mussel (*Dreissena* spp.).

Name	DNR Public Waters Inventory Number
Cass County	
Bass Lake	11-0220
Green's Lake	11-0786
Gull Lake	11-0305
Gull River	
Margaret Lake	11-0222
Spider Lake	11-0221
Upper Gull Lake	11-0218
Crow Wing	
Love Lake	18-0388
Nisswa Lake	18-0399
Round Lake	18-0373
Roy	18-0398
Bishop Creek, between Round and Gull lakes (located in section 35, Township 135N, Range 29W)	none
Douglas County	
Lake Jessie	21-0055
Lake Victoria	21-0054
Multiple	
Crow Wing River, downstream of the confluence with the Long Prairie River to the Mississippi River (Cass and Morrison counties)	

This order is effective upon publication in the State Register.

Date signed: December 15, 2010

Approved by: **Mark Holsten, Commissioner**
Department of Natural Resources

Official Notices

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

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Minnesota Department of Health (MDH)

Division of Health Policy

Summary Notice of Adoption of Rule Regarding the *Minnesota Uniform Companion Guide for the Implementation of the ASC X12/005010X221A1 Health Care Claim Payment/Advice (835)*; Pursuant to *Minnesota Statutes*, Section 62J.536

Adoption: Notice is hereby given that the *Minnesota Uniform Companion Guide for the Implementation of the ASC X12/005010X221A1 Health Care Claim Payment/Advice (835)*, as proposed in the *State of Minnesota State Register*, Volume 34, Number 35, page 1170, March 1, 2010, (34 SR 1170) is adopted with modifications.

Companion Guide Available: The *Minnesota Uniform Companion Guide for the Implementation of the ASC X12/005010X221A1 Health Care Claim Payment/Advice (835)*, as defined by the Commissioner of Health, is available on the World Wide Web at:

<http://www.health.state.mn.us/asa/rule.html>

and at Minnesota’s Bookstore at (651) 297-3000 or 1-800-657-3757. The Minnesota’s Bookstore TTY relay service phone number is 1-800-627-3529. If you have any questions, please e-mail: health.asaguides@state.mn.us.

The adopted rule differs from the rule proposed on March 1, 2010. A complete copy of the rule showing all of the changes in a strike/underline format is available at: <http://www.health.state.mn.us/asa/rule.html>. Interested parties may also obtain a printed copy of the rule showing all of the changes in a strike/underline format by contacting Mayumi Reuvers via e-mail at mayumi.reuvers@state.mn.us or by **phone at**: (651) 201-5508, or **fax at**: (651) 201-5179.

Description and Statutory Reference: *Minnesota Statutes*, section 62J.536, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers and health care providers to use electronic claims and eligibility transactions with a single, uniform

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companion guide to the implementation guides described under *Code of Federal Regulations*, title 45, part 162. At present, all Minnesota health care providers and group purchasers subject to *Minnesota Statutes*, section 62J.536 must use Version ASC X12/004010A1 (“Version 4010A1”) of the Minnesota Uniform Companion Guides. As further discussed below, in order to comply with recent federal regulations, new versions of the Minnesota Uniform Companion Guides, (Version ASC X12/005010, also referred to as “Version 5010”), are being adopted for use no later than January 1, 2012.

On January 16, 2009, the U.S. Department of Health and Human Services (HHS) published rules (CMS–0009–F) announcing the adoption of new versions of the federal transaction standards, known as ASC X12/005010 (“Version 5010”). As a result, MDH, in consultation with the AUC, has adopted the *Minnesota Uniform Companion Guide for the Implementation of the ASC X12/005010X221A1 Health Care Claim Payment/Advice (835)*, in order to be consistent with the federal regulations as cited above.

Health care providers and group purchasers subject to *Minnesota Statutes*, section 62J.536 must exchange transactions covered by the statute as follows. From the date of each Version 5010 Uniform Companion Guides’ final adoption until January 1, 2012, providers and group purchasers may use only: the Minnesota Uniform Companion Guides, Version ASC X12N/004010A1 (Version 4010), including any subsequent technical changes or updates; or, by mutual agreement between trading partners, the Minnesota Uniform Companion Guides, Version ASC X12/005010 (Version 5010). Beginning January 1, 2012, providers and group purchasers may only use the Minnesota Uniform Companion Guides, Version ASC X12/005010 (Version 5010), including this Guide, the *Minnesota Uniform Companion Guide for the Implementation of the ASC X12/005010X221A1 Health Care Claim Payment/Advice (835)*.

Development: The Commissioner of Health developed this rule in consultation with the AUC and its Explanation of Benefits/Remittance Advice Technical Advisory Group (TAG). This rule was submitted for public comment in the *State Register*, Volume 34, Number 35, page 1170, March 1, 2010. The comment period was from March 1, 2010 through March 30, 2010. MDH consulted with the AUC Explanation of Benefits/Remittance Advice TAG in reviewing comments and in making modifications to the rule proposed on March 1, 2010.

Required Date of Compliance: As described above, the required date of compliance is no later than January 1, 2012.

Dated: 20 December 2010

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

Modifications: The following modifications from the rule proposed in the *State Register*, Volume 34, Number 35, page 1170, March 1, 2010 have been adopted. Formatting and punctuation changes have been made throughout the rule to improve readability and usability.

The following sections of the *Minnesota Uniform Companion Guide for the Implementation of the ASC X12/005010X221A1 Health Care Claim Payment/Advice (835)* have been modified and differ from the proposed rule published March 1, 2010:

- Header at the top of each page, throughout;
- Title page;
- Disclaimer page;
- Table of contents;
- 1.0, Companion Guide Revision History;
- 2.0, Statement from the Minnesota Department of Health;
- 3.0, Statement from the Minnesota Administrative Uniformity Committee;
- 4.1.1, Purpose;
- 4.1.2, Applicability;
- 4.1.2.1, Exceptions to Applicability;
- 4.1.3, Scope;
- 4.1.4, Reference HIPAA Technical Report Type 3 (TR3) (“ASC/X12 005010221A1 Health Care Claim Payment/Advice” in the adopted rule);
- 4.1.5, Key Terminology Used in the Companion Guide;
- 4.1.5.1, Required Loops, Segments and Data Elements;
- 4.1.5.2, Situational Loops, Segments and Data Elements;
- 4.1.5.3, Segments and Data Elements Classified as Not Considered for Processing (NCFP);

- 4.1.6, Addressing Code Set Issues in the Companion Guide;
- 4.2, Information About the 835 Health Care Claim Payment and Remittance Advice Transaction (“Information About the Health Care Claim Payment /Advice (835) Transaction” in the adopted rule);
- 4.2.2, Correlating Provider Information from the Claim Transaction to 835 Claim Payment and Remittance Advice Transaction (“Correlating Provider Information from the Health Care Claim (837) Transaction to the Claim Payment/Advice (835) Transaction” in the adopted rule);
- 4.2.3, Relationship and Importance of Accurate and Balanced 835 for 837 COB Situations (“Relationship and Importance of Accurate and Balanced 835 Transactions for 837 Coordination of Benefits (COB) Situations” in the adopted rule);
- 4.2.4, Using Inactive CARC and RARC;
- 5.0, 835 – Health Care Claim Payment and Remittance Advice- Companion Guide Table (“Health Care Claim Payment/Advice (835) Minnesota Uniform Companion Guide Table” in the adopted rule);
- 5.1, Introduction to the Table;
- 5.1.1, Compressing Data Element Rows into Segment Rows;
- 5.1.2, Relationship Between Condition Given to Segments and Data Elements in HIPAA TR3s and the Minnesota Usage Classification Given in the Companion Guide (“Relationship Between Condition Given to Segments and Data Elements in the 005010X221A1 and the Minnesota Usage Classification Given in the Companion Guide” in the adopted rule);
- 5.2, Companion Guide Table;
- Table first header row;
- Table second and third header row;

Changes were made in the Section 5.2 Companion Guide Table in the rows identified by the applicable Loop, Segment, and Data Element as listed below:

- Loop ID – 1000B Payee Identification, N4 – Payee City, State, Zip Code segment;
- Loop ID – 2100 Claim Payment Information, CLP – Claim Payment Information segment, CLP01 – Claim Submitter’s Identifier element;
- Loop ID – 2100 Claim Payment Information, MIA – Inpatient Adjudication Information segment;
- Loop ID – 2100 Claim Payment Information, MOA – Outpatient Adjudication Information segment;

Changes were made to the following appendices:

- 6.0 Appendices;
- Appendix B: Minnesota Crosswalk for the Claim Adjustment Reason Codes (CARC), Claim Adjustment Group Codes (CARC), and Remittance Advice Remark Codes (RARC);

Changes were made to Appendix B: Table B.1 Minnesota Crosswalk for Claim Adjustment Reason Codes (CARC), Claim Adjustment Group Codes (CARC) and Remittance Advice Remark Codes (RARC) in the rows corresponding to the following CARCs:

- 4;
- 16;
- 20;
- 22;
- 31;
- 32;
- 33;
- 34;
- 38;
- 39;
- 45;
- 50;
- 51;
- 54;
- 56;
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- 70;
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191;
219;
220;
221;
233 (added to adopted rule);
234 (added to adopted rule);
235 (added to adopted rule);
A1;
A5;
B1;
B5;
B7;
B12;
B13;
B15;
W1;
W2 (added to adopted rule);
Appendix C;
Appendix D.

Minnesota Department of Health (MDH)

Division of Health Policy

Summary Notice of Adoption of Rules Regarding the Minnesota Uniform Companion Guide for the Implementation of the TA1, Interchange Acknowledgment Segment (Appendix C.1 of the ASC X12C/005010X231 Implementation Acknowledgment For Health Care Insurance (999)) Pursuant to *Minnesota Statutes*, Section 62J.536 as Amended by *Minnesota Laws 2010*, Chapter 243

Adoption: Notice is hereby given that the *Minnesota Uniform Companion Guide for the Implementation of the Minnesota Uniform Companion Guide for the Implementation of the TA1, Interchange Acknowledgment Segment (Appendix C.1 of the ASC X12C/005010X231 Implementation Acknowledgment For Health Care Insurance (999))*, as proposed at *State of Minnesota State Register*, Volume 35, Number 13, page 508, September 27, 2010, (35 SR 508) is adopted with no modifications.

Companion Guide Available: The Minnesota Uniform Companion Guide for the Implementation of the TA1, Interchange Acknowledgment Segment (Appendix C.1 of the ASC X12C/005010X231 Implementation Acknowledgment For Health Care Insurance (999)), as defined by the Commissioner of Health, is available on the World Wide Web at <http://www.health.state.mn.us/asa/rules.html> and at Minnesota's Bookstore at (651) 297-3000 or 1-800-657-3757. The Minnesota's Bookstore **TTY** relay service phone number is 1-800-627-3529. If you have any questions, please e-mail: health.asaguides@state.mn.us.

A complete copy of the rule is available at: <http://www.health.state.mn.us/asa/rules.html>. Interested parties may also obtain a printed copy of the rule showing by contacting Mayumi Reuvers via **e-mail** at: mayumi.reuvers@state.mn.us, or by **phone** at: (651) 201-5508 or **fax** at: (651) 201-5179.

Description and Statutory Reference: *Minnesota Statutes*, section 62J.536 as amended by *Minnesota Laws 2010*, Chapter 243, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring health care providers, clearinghouses, and group purchasers to use specified electronic transactions with a single, uniform companion guide to the implementation guides described under *Code of Federal Regulations*, title 45, part 162. The above referenced Minnesota Uniform Companion Guide is required for use no later than January 1, 2012 and may be used prior to January 1, 2012 by mutual trading partner agreement.

Development: The Commissioner of Health developed this rule in consultation with the AUC and its Acknowledgements Technical Advisory Group (TAG). This rule was proposed and submitted for public comment in the *State Register*, Volume 35, Number 13, page 508, September 27, 2010. The comment period was from September 27, 2010 through October 26, 2010. No comments were received.

Required Date of Compliance: As described above, the required date of compliance is no later than January 1, 2012.

Dated: 27 December 2010

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

Minnesota Department of Health (MDH)

Division of Health Policy

Summary Notice of Adoption of Rules Regarding the Minnesota Uniform Companion Guide for the Implementation of the ASC X12C/005010X231 Implementation Acknowledgment For Health Care Insurance (999) pursuant to *Minnesota Statutes*, section 62J.536 as amended by *Minnesota Laws 2010*, Chapter 243

Adoption: NOTICE IS HEREBY GIVEN that the *Minnesota Uniform Companion Guide for the Implementation of the ASC X12C/005010X231 Implementation Acknowledgment For Health Care Insurance (999)*, as proposed at *State of Minnesota State Register*, Volume 35, Number 13, page 508, September 27, 2010, (35 SR 508) is adopted with modifications.

Companion Guide Available: The *Minnesota Uniform Companion Guide for the Implementation of the ASC X12C/005010X231 Implementation Acknowledgment For Health Care Insurance (999)*, as defined by the Commissioner of Health, is available on the World Wide Web at <http://www.health.state.mn.us/asa/rules.html> and at Minnesota's Bookstore at (651) 297-3000 or 1-800-657-3757. The Minnesota's Bookstore TTY relay service phone number is 1-800-627-3529. If you have any questions, please e-mail: health.asaguides@state.mn.us.

The adopted rule differs from the rule proposed on September 27, 2010. A complete copy of the rule showing all of the changes in a strike/underline format is available at: <http://www.health.state.mn.us/asa/rules.html>. Interested parties may also obtain a printed copy of the rule showing all of the changes in a strike/underline format by contacting Mayumi Reuvers via email at mayumi.reuvers@state.mn.us or by **phone** at: (651) 201-5508, or **fax** at: (651) 201-5179.

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Description and Statutory Reference: *Minnesota Statutes*, section 62J.536 as amended by *Minnesota Laws 2010*, Chapter 243, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring health care providers, clearinghouses, and group purchasers to use specified electronic transactions with a single, uniform companion guide to the implementation guides described under *Code of Federal Regulations*, title 45, part 162. The above referenced Minnesota Uniform Companion Guide is required for use no later than January 1, 2012 and may be used prior to January 1, 2012 by mutual trading partner agreement.

Development: The Commissioner of Health developed this rule in consultation with the AUC and its Acknowledgements Technical Advisory Group (TAG). This rule was proposed and submitted for public comment in the *State Register*, Volume 35, Number 13, page 508, September 27, 2010. The comment period was from September 27, 2010 through October 26, 2010. MDH consulted with the AUC Acknowledgements TAG in reviewing comments and in making modifications to the rule proposed on September 27, 2010.

Required Date of Compliance: As described above, the required date of compliance is no later than January 1, 2012.

Dated: 27 December 2010

Sanne Mangan, M.D., Ph.D., Commissioner
Minnesota Department of Health (MDH)
P.O. Box 64975, St. Paul, MN 55164-0975

Modifications: The following modifications from the rule proposed in the *State Register*, Volume 35, Number 13, page 508, September 27, 2010, have been adopted.

In the section entitled "Clarifications", the following has been added:

The only code choices allowed for the IK5 - TRANSACTION SET RESPONSE TRAILER, in loop 2000 - AK2 — TRANSACTION SET RESPONSE, are:

A – Accepted;

E — Accepted But Errors Were Noted: The transaction set indicated in this AK2 loop contained errors, but was forwarded for further processing;

R— Rejected: The transaction set indicated in this AK2 loop contained errors, and was NOT forwarded for further processing. It will need to be corrected and resubmitted.

Minnesota Department of Health (MDH)

Division of Health Policy

Summary Notice of Adoption of Rules Regarding the Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X214E2 Health Care Claim Acknowledgment (277), pursuant to *Minnesota Statutes*, section 62J.536 as amended by *Minnesota Laws 2010*, Chapter 243

Adoption: NOTICE IS HEREBY GIVEN that the Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X214E2 Health Care Claim Acknowledgment (277), as proposed at State of Minnesota State Register, Volume 35, Number 13, page 508, September 27, 2010, (35 SR 508) is adopted with modifications.

Companion Guide Available: The Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X214E2 Health Care Claim Acknowledgment (277), as defined by the Commissioner of Health, is available on the World Wide Web at:

<http://www.health.state.mn.us/asa/rules.html>

and at Minnesota's Bookstore at (651) 297-3000 or 1-800-657-3757. The Minnesota's Bookstore TTY relay service phone number is 1-800-627-3529. If you have any questions, please e-mail: health.asaguides@state.mn.us.

The adopted rule differs from the rule proposed on September 27, 2010. A complete copy of the rule showing all of the changes in a strike/underline format is available at: <http://www.health.state.mn.us/asa/rules.html>. Interested parties may also obtain a printed copy of

the rule showing all of the changes in a strike/underline format by contacting Mayumi Reuvers via e-mail at mayumi.reuvers@state.mn.us or by **phone at:** (651) 201-5508, or **fax at:** (651) 201-5179.

Description and Statutory Reference: *Minnesota Statutes*, section 62J.536 as amended by *Minnesota Laws 2010*, Chapter 243, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring health care providers, clearinghouses, and group purchasers to use specified electronic transactions with a single, uniform companion guide to the implementation guides described under *Code of Federal Regulations*, title 45, part 162. The above referenced Minnesota Uniform Companion Guide is required for use no later than January 1, 2012 and may be used prior to January 1, 2012 by mutual trading partner agreement.

Development: The Commissioner of Health developed this rule in consultation with the AUC and its Acknowledgements Technical Advisory Group (TAG). This rule was proposed and submitted for public comment in the *State Register*, Volume 35, Number 13, page 508, September 27, 2010. The comment period was from September 27, 2010 through October 26, 2010. MDH consulted with the AUC Acknowledgements TAG in reviewing comments and in making modifications to the rule proposed on September 27, 2010.

Required Date of Compliance: As described above, the required date of compliance is no later than January 1, 2012.

Dated: 27 December 2010

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

Modifications: The Minnesota Department of Health has adopted the modifications from the rule proposed in the *State Register*, Volume 35, Number 13, page 508, September 27, 2010, as described below. Changes in formatting and punctuation were made throughout the rule to improve readability and usability. In addition, many of the changes listed below reflect an updated numerical description of the ASC X12 implementation guide referenced as part of this rule, now designated as the “ASC X12N/005010X214E2”.

The following sections of the Minnesota Uniform Companion Guide for the Implementation of the ASC X12N/005010X214E2 Health Care Claim Acknowledgment (277) have been modified and differ from the proposed rule published September 27, 2010:

- Header at the top of each page, throughout;
- Title page;
- Disclaimer page;
- Table of contents;
- 1.0, Companion Guide Revision History;
- 2.0, Statement from the Minnesota Department of Health;
- 3.0, Statement from the Minnesota Administrative Uniformity Committee;
- 4.1.1, Purpose;
- 4.1.3, Scope;
- 4.1.4, Reference Implementation Guide;
- 5.0, ASC X12N/005010X214E2 Health Care Claim Acknowledgment (277) —Companion Guide Table;
- 5.1, Introduction to Table;
- 5.1.2, Relationship Between Condition Given to Segments and Data Elements in Health Care Claim Acknowledgment (277) and the Minnesota Usage Classification Given in the Companion Guide;
- 5.2, Companion Guide Table;
- Table first and third header rows;

Changes were made in the Section 5.2 Companion Guide Table in the rows identified by the applicable Loop, Segment, and Data Element as listed below:

LOOP ID - 2200C PROVIDER OF SERVICE INFORMATION TRACE IDENTIFIER, TRN – Provider of Service Information Trace Identifier;

Appendix A: Minnesota Allowable Values for Claim Category and Claim Status Codes on Health Care Claim Acknowledgment (277);

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Table A.1 Minnesota Use of Claim Category Codes
Table third header row;

Table A.2
Minnesota Crosswalk for Health Care Claim Status Codes and Claim Category Codes;

Changes were made in the Section 5.2 Companion Guide Table in the rows identified by the applicable Claims Status Code number as follows below:

19;
33;
106;
107;
125;
126;
128;
148;
153;
186;
188;
220;
260;
277;
401;
538;
574;
597.

Minnesota Department of Human Services (DHS) Aging and Adult Services Division and Health Care Operations Unit Notice of Listening Session on PACE (Program for All-Inclusive Care of the Elderly) January 13, 2011

The Aging and Adult Services and Health Care Management Divisions Minnesota of Department of Human Services will hold a listening session on the development of the Program for All-Inclusive Care of the Elderly (PACE) in Minnesota on Thursday, January 13, 2011, from 10:00 am to 12:00 pm.

This listening session will be held via video conference. The purpose of this listening session is to broadly communicate information specific to the development of the Program for All-Inclusive Care of the Elderly (PACE) in Minnesota. Session presenters will include Shawn Bloom, CEO, National PACE Association, and from the Minnesota Department of Human Services Pam Parker, Director, Health Care Operations, and Rolf Hage, Director, Resource Development, Aging and Adult Services.

Individuals interested in participating in this listening session should register via the Aging and Adult Services Division Online Video Conference Registration at <http://agingtraining.dhs.state.mn.us/>.

Metropolitan Airports Commission (MAC) Notice of Adoption of Ordinance No. 112 – Reliever Airports Maintenance Standards

Please take notice that on the 20th day of December, 2010 at a regular Commission meeting, the Metropolitan Airports Commission adopted Ordinance No. 112 – Reliever Airports Maintenance Standards Ordinance.

Ordinance No. 112 – Reliever Airports Maintenance Standards Ordinance:

An Ordinance of the Metropolitan Airports Commission providing standards for the structural integrity, aesthetics, and maintenance of leased property and improvements at the Commission's Reliever Airports.

Copies of Ordinance No. 112 as adopted will be on file with the Secretary of State and may be obtained electronically through accessing the Metropolitan Airports Commission website at: <http://www.msairport.com/mac/organization/Bylaws.aspx> , or may be obtained from the Metropolitan Airports Commission offices.

Jeffrey W. Hamiel, Executive Director
Metropolitan Airports Commission
6040 - 28th Avenue South, Minneapolis, MN 55450

Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective December 28, 2009, until final disposition of the hearing or hearing appeal:

Riley Bros. Companies Inc. and its affiliates, Morris MN
Riley Bros. Construction Inc. and its affiliates, Morris MN
Riley Bros. Properties, LLC, and its affiliates, Morris MN
Riley Bros. Utilities, Inc. dba/Chris Riley Utilities, Inc. and its affiliates, Morris MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be debarred for a period of three (3) years effective February 24, 2010 until February 24, 2013:

Joseph Edward Riley, Morris, MN
John Thomas Riley, Morris, MN

Minnesota Statutes, Section 161.315, prohibits the Commissioner, counties, towns or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred; including

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity which is sold or transferred by a debarred person remains ineligible during the period of the seller's or transfer's debarment.

State Contracts

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

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

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

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

Business Opportunities in Government

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Subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*, Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

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- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **Updates to Index to Vol. 31**
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Department of Administration (Admin)

State Designer Selection Board Project #10-13

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Shantz Hall Building Preservation Project, St. Peter Regional Treatment Center, St. Peter, MN - RECS# 55419SRX

The Department of Administration, Real Estate and Construction Services ("State"), through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposal is available on the Department of Administration, Real Estate and Construction Services website:
www.admin.state.mn.us/recs

Click on "Construction Services" and then "Solicitations and Announcements". An informational meeting is scheduled for 10:00 a.m. C.T., January 4, 2011 at the Facilities Conference Room, Old Center, St. Peter Regional Treatment Center. Project questions shall be referred to the appropriate person(s) as listed in the Request for Proposal.

Proposals must be delivered to Sherry Van Horn, Executive Secretary, State Designer Selection Board, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, **phone:** (651) 201-2376, not later than 12:00 noon C.T., Monday, January 10, 2011. Late responses will not be considered.

The Department of Administration, Real Estate Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration (Admin) State Designer Selection Board Project #11-01 Notice of Availability of Request for Proposal (RFP) for Designer Selection for Predesign and Design of the State of Minnesota Department of Public Safety/Homeland Security Emergency Operations Center

The Department of Administration, Real Estate and Construction Services ("State"), through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposal is available on the Department of Administration, Real Estate and Construction Services website:
www.admin.state.mn.us/recs

Click on "Construction Services" and then "Solicitations and Announcements." A mandatory informational meeting is scheduled for 2:30 p.m. C.T., January 11, 2011 at the Department of Public Safety, Division of Homeland Security and Emergency Management, 444 Cedar St., St. Paul, MN. Directions are available at above referenced website. Project questions shall be referred to the appropriate person(s) as listed in the Request for Proposal.

Proposals must be delivered to Sherry Van Horn, Executive Secretary, State Designer Selection Board, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, **phone:** (651) 201-2376, not later than 12:00 noon C.T., Tuesday, January 18, 2011. Late responses will not be considered.

The Department of Administration, Real Estate Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU) Anoka Ramsey Community College Amendment to Notice - Request for Proposals for Security Services - Attachment A

Original notice published 15 Nov. 2010 (35 SR 756), 22 Nov. 2010 (35 SR 780), and 29 Nov. 2010 (35 SR 839). Section #3:
Minimum Hourly Rate - Billable Rate

Please add the following to your responses to our request for quotes:

- c. Provide billable rate for the two year rate paid the officer of \$12.85 to include Holiday and over time rates.
- d. Provide the billable rates for the three year rate paid the officer of \$13.25 to include Holiday and over time rates.
- e. Provide the billable rates for the four year rate paid the officer of \$13.75 to include Holiday and over time rates.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Bemidji State University

Notice of Request for Proposals for Grants Development Consulting Service

NOTICE IS HEREBY GIVEN that Bemidji State University will receive sealed proposals for Grants Development Consulting Service for 360° Manufacturing and Applied Engineering Center of Excellence.

Specifications will be available December 27, 2010, at the following Bemidji State University website:

http://www.bemidjistate.edu/offices/procurement_logistics/rfps_bids/

Sealed proposals must be received by January 20, 2011 by 2:00 PM at the following location:

Belinda Lindell, Director of Procurement & Logistics
Bemidji State University, Deputy 204, Box 8
1500 Birchmont Drive N.E.
Bemidji, MN 56601

Bemidji State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. This Request for Proposal does not obligate the University to complete a proposed contract, and the University reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU)

Hennepin Technical College

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Hennepin Technical College, Brooklyn Park and Eden Prairie Conference Services for M-STEP Symposium

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Hennepin Technical College, is soliciting proposals from interested, qualified vendors to provide conference meeting space, food, exhibit space and audio visual equipment for their annual M-STEP Symposium held in November each year.

A full Request for Proposals is available by contacting Pauline Arnst at (952) 995-1445, or *pauline.arnst@hennepintech.edu*

Proposals must be delivered to Pauline Arnst, Purchasing, Hennepin Technical College, Eden Prairie, 13100 College View Drive, Eden Prairie, MN 55347, **not later than 10:00 a.m., Tuesday, January 11, 2011.** Late responses will not be considered.

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

Minnesota State Colleges and Universities (MnSCU)

Normandale Community College

Request for Proposal on Banking/ID Card Services/Branch Bank

A full copy of the RFP Solicitation can be found on the Normandale website: *<http://www.normandale.edu/rfp/Bankidservices/>*

Vendors should check the website frequently and are expected to review information posted carefully before submitting a final proposal. Proposals must be submitted with the envelope plainly marked in the lower left corner: **“Banking / ID CARD SERVICE /**

CAMPUS BRANCH”

Submission: Sealed proposals must be received at the following address not later than 2:00 P.M. January 24, 2011 To:

Chris Mikkelsen
Normandale Community College
C1103
9700 France Avenue South
Bloomington, MN 55431

Minnesota Legislature Legislative Coordinating Commission Request for Information Regarding Business Intelligence Solutions Related to State Finances and Public Funds

The Legislative Coordinating Commission of the Minnesota Legislature is requesting information regarding business intelligence solutions that may be available to assist the Minnesota Legislature in fulfilling its legislative oversight responsibilities relating directly and indirectly to state finances and expenditure of public funds. The Request for Information (RFI) is required in *Laws of Minnesota*, 2010, Chapter 392, Article 2, section 17. The full text of the RFI can be found at: <http://www.lcc.leg.mn/lcc/RFPs.htm>, or contact:

Greg Hubinger
Minnesota Legislative Coordinating Commission
Room 72 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1298
Phone: (651) 296-2963
E-mail: greg.hubinger@lcc.leg.mn

All responses must satisfy the criteria as outlined in the full text of the RFI. Proposals must be received by Monday, January 24, 2011 at 4:00 p.m. All expenses incurred in responding to this notice shall be borne by the responder.

Minnesota Department of Natural Resources (DNR) Notice of Intent to Hold State Metallic Minerals Lease Sale

State Lands to be Offered for Metallic Minerals Exploration

The Minnesota Department of Natural Resources announces that plans are being developed to hold the state's 32nd sale of metallic minerals exploration and mining leases. The sale is tentatively scheduled for April 2011. The lease sale plans are being announced at this time in order to give mining companies, public interest groups and all other interested parties additional time to review the areas under consideration.

The purpose of Minnesota's metallic minerals rules (*Minnesota Rules*, parts 6125.0100 - .0700) is to promote and regulate the exploration for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under these rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of rentals that increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the addressing of environmental considerations. In addition, the state lessee must comply with all applicable regulatory laws.

The areas under consideration for the lease sale cover portions of Itasca, Koochiching, Lake and Saint Louis Counties. Some of the lands being considered have been offered in previous metallic minerals lease sales, but based upon the interest shown by industry, new geologic data, and exploration techniques developed during the past few years, it is felt that within these lands there is significant potential for the discovery of mineral resources. Certain new lands of interest are also being considered for the lease sale.

State Contracts

The exact time and place of the lease sale will be announced by legal notice at least thirty (30) days prior to the sale. Mining unit books, listing the state lands to be offered at the lease sale, will be available for inspection or purchase at that time.

A map showing the general areas under consideration may be obtained from the Division of Lands and Minerals, Box 45, 500 Lafayette Road, Saint Paul, MN 55155-4045, **telephone:** (651) 259-5959, or by visiting the DNR website at www.dnr.state.mn.us.

Dated: 14 December 2010

Marty K. Vadis, Director
Division of Lands and Minerals
Department of Natural Resources

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of General Organizational Related Activities

(This document is available in alternative formats for persons with disabilities by calling Melissa McGinnis at 651-366-4644; for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 800-627-3529.)

Mn/DOT, in conjunction with the Department of Administration, have developed a streamlined approach for fast-tracking select general organization service projects. These general organizational projects may include, but are not limited to, work in the following categories: 1) Develop, implement and summarize internal and external surveys; 2) Recommend best practices in an organizational structure; 3) Assist with organizational health structure; 4) Provide marketing support; 5) Develop, implement and provide support of ad hoc forums; 6) Establish and facilitate collaborative groups, including cross-organization and public-private teams; 7) Provide project management for non-technical initiatives; and 8) Facilitate non-technical activities and events.

This streamlined approach includes developing an email list of firms that are interested in receiving direct notification of general organizational projects. Firms will be added on an on-going basis. Fast-tracked projects will have a shorter advertising period and turn-around time. Firms will be asked to submit responses within 5 business days and will be required to work diligently with Mn/DOT toward establishing a contract upon selection. All projects will be advertised to the public. Your firm will be directly notified that there is a project posted on the Consultant Services Website (www.dot.state.mn.us/consult) that requires general organizational skills. Please note that this notice is not a solicitation or request for proposals of any kind. Being placed on the list does not guarantee work nor does it obligate Mn/DOT to provide any contracting opportunities under this program.

Interested firms should send the following information to the e-mail address below: Firm name, firm contact person, phone number, and email address.

Contact: Melissa McGinnis, Contract Administrator
E-mail: melissa.mcginnis@state.mn.us
Telephone: (651) 366-4644

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 Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Non-State Bids, Contracts & Grants

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

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

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

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

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

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

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.

Other Contracts

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

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

Dakota County

Community Services Division

Notice of Request For Proposal (RFP) For Juvenile Sex Offender Treatment Program at the Dakota County Juvenile Services Center

NOTICE IS HEREBY GIVEN that Dakota County is seeking a qualified Contractor to provide juvenile sex offender treatment program services at the Dakota County Juvenile Services Center. The program would serve up to five males, ages 12-19, who need treatment for inappropriate psychosexual behaviors and are court ordered to the Juvenile Services Center (JSC) program. The JSC program will be 60-90 days for each individual referred. Upon discharge from the program, the males will continue outpatient treatment in the community. The Contractor will provide weekly two hour group therapy sessions. Additionally, the Contractor will conduct weekly one hour individual/family therapy sessions as well as weekly one hour consultation sessions with JSC staff members. A qualified Contractor will be a Ph.D., Psy.D. or Masters level licensed therapist. The weekly group will be co-facilitated with a JSC staff member. The ability to demonstrate prior successful third party billing is a consideration. The contract for these services will be from March 1, 2011 through December 31, 2012.

To gain access to the complete RFP online, or for additional information about Dakota County visit our website at: www.dakotacounty.us, click on Doing Business and select Bids & Proposals on the menu.

Contact: David Hoppe, Contract Manager
Dakota County Community Services Division
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773
Phone: (651) 554-5872
Fax: (651) 554-5948
E-mail: David.Hoppe@co.dakota.mn.us

Responder's Meeting is scheduled on Thursday, January 6th, 2011, from 10:00 a.m. – 11:00 a.m. in Conference Room 430 at Dakota County Community Services, 1 Mendota Road West in West St. Paul. See proposal for details.

Deadline for proposals is Friday, January 28th, 2011 at 4:30 p.m. No late proposals will be considered.

Non-State Bids, Contracts & Grants

Hennepin County

Housing, Community Works and Transit Division

Notice Concerning Request for Proposals for the Bottineau Transitway Draft Environmental Impact Statement (DEIS) and Related Transitway Development Efforts

Hennepin County Regional Railroad Authority (HCCRA) is issuing a Request for Proposals (RFP) from experienced and qualified firms to provide consulting services for the development of a Draft Environmental Impact Statement (DEIS) for the Bottineau Transitway located in the northwest quadrant of the Twin Cities Metropolitan Area of Minnesota. HCCRA is requesting proposals from firms with the intention of negotiating and awarding a contract to the firm whose qualifications, expertise, capabilities, and technical proposal are in the best interest of Bottineau Corridor stakeholders and the public.

The Request for Proposals document will be available by early January 2011 on the Hennepin County website under Business - Contracting Opportunities at: <http://hennepin.us>

Requests regarding this RFP can be submitted via e-mail to: bottineau@co.hennepin.mn.us

Metropolitan Airports Commission (MAC)

Minneapolis-Saint Paul International Airport (Terminal 1-Lindbergh)

NOTICE OF CALL FOR BIDS MAC Energy Program-Phases 14/15/16 (Heat Recovery, Motor & Lighting Controls, Envelope Sealing)

MAC Contract No.:

106-2-614

Bids Close At:

2:00 p.m. January 18, 2011

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota. 55450, until the date and hour indicated. The work for this project includes mechanical, electrical, lighting and architectural energy improvements:

Targeted Group Businesses (TGBs): The goal of the MAC for the utilization of TGBs on this project is 3%.

Bid Security: Each Bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Architectural Alliance; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids (Document 00020) for this project will be available on December 27, 2010, at MAC's web address of www.metroairports.org/business/solicitations (construction bids).

Non-State Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-Saint Paul International Airport (Terminal 1-Lindbergh)

NOTICE OF CALL FOR BIDS MAC T1 Air Handling Unit Replacement – Phase 1

MAC Contract No.: 106-2-620
Bids Close At: 2:00 p.m. January 18, 2011

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota, 55450, until the date and hour indicated. This project provides for the replacement of existing air handling units with more energy efficient models as well as asbestos abatement.

Targeted Group Businesses (TGBs): The goal of the MAC for the utilization of TGBs on this project is 3%.

Bid Security: Each Bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

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Transit for Livable Communities

Request for Qualifications for Enforcement Awareness Program Professional Services

Transit for Livable Communities is issuing a Request for Qualifications (RFQ) for Enforcement Awareness Program Professional Services for its Bike Walk Twin Cities program. Bike Walk Twin Cities is a program of the federally funded Non-motorized Transportation Pilot Program. The scope of service for this RFQ is to work in cooperation with Transit for Livable Communities and the City of St. Paul to develop and implement a model enforcement and safety awareness program. This will be implemented initially in the City of St. Paul to better protect pedestrians and bicyclists, especially at intersections, in a way that can be replicated to other communities in the area. The desired outcome of this initiative is to reduce the number of pedestrians and bicycle related crashes.

The RFQ can be downloaded from the Transit for Livable Communities Bike Walk web site at: www.bikewalktwincities.org and is also available by e-mail or mail free of charge by contacting:

Steve Clark
Transit for Livable Communities
Walking and Bicycling Program Manager
626 Selby Ave, Second Floor
St. Paul, MN 55104
Phone: (651) 767-0298 x 119
E-mail: stevec@tlcminnesota.org

Proposals must be received no later than noon Friday, January 28, 2011. Transit for Livable Communities reserves the right to reject late responses. Complete details regarding submission requirements are included within the RFQ.

Non-State Bids, Contracts & Grants

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

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

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

Minnesota's Bookstore

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

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NEW: Mn/DOT has reissued their County Maps -
in **FULL COLOR** - We have them at \$1.00 per map

WE ARE "MAP CENTRAL"

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***Woodworking for Wildlife* - updated, Stock No. 275, \$19.95**

Minnesota author Carrol Henderson's popular book, *Woodworking for Wildlife*. Along with designs for 28 different nest box projects, this newly-expanded edition includes 300 color photographs and information on deterring nest predators, placing and maintaining boxes, and setting up remote cameras in nest boxes. The 164-page book, which has a soft cover that opens flat for easy use, features new designs for great crested flycatchers, mergansers, dippers, bumblebees and toads. *Woodworking for Wildlife* was printed in Minnesota on recycled paper manufactured in Cloquet and certified by the Forest Stewardship Council.



Several convenient ways to order:

- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
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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)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

PREPAYMENT REQUIRED. Prices and availability subject to change.

Fax and phone orders: Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

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<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

(6.875% sales tax if shipped to MN address, 7.625% if shipped to St. Paul address. 7.125% MN transit tax or other local sales tax if applicable)

TOTAL _____

If tax exempt, please provide ES number or completed exemption form.
ES# _____