

State of Minnesota

# State Register



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

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The *State Register* is the official publication of the State of Minnesota'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- Withdrawn Rules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
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- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
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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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# Adopted Rules

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

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

## Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design Adopted Permanent Rules Relating to Licensing and Operation

The rules proposed and published at *State Register*, Volume 35, Number 26, pages 935-942, December 27, 2010 (35 SR 935), are adopted with the following modifications:

### 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 on behalf of the board, a holder or applicant of a certificate or license issued by the board shall:

### 1800.0120 NOTIFICATION.

#### Subpart 1. Required information.

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.~~

### 1800.0130 EXAMINATION IRREGULARITIES; CHEATING.

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~~ for conduct not specifically described in this part.

### 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.~~

### 1800.2100 EDUCATION AND EXPERIENCE.

Subp. 2. **Education and experience requirement.** To qualify for certification as a certified interior designer, an applicant shall present evidence that the applicant has completed the education and experience 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

# Adopted Rules

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must be fulfilled by one of the following options as described:

(2) graduation prior to June 1, ~~2011~~ 2013, 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~~ 2013, 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~~ 2013, an interior designer.

(2) If the applicant meets the educational requirements of item A, subitem (2), prior to June 1, ~~2011~~ 2013, 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~~ 2013, the experience required is completion of a minimum of three years of qualifying interior design experience.

## Board of Assessors Adopted Permanent Rules Relating to Licensure

The rules proposed and published at *State Register*, Volume 35, Number 34, pages 1267-1275, February 22, 2011 (35 SR 1267), are adopted with the following modifications:

### **1950.1030 CERTIFIED MINNESOTA ASSESSOR (CMA).**

A person assisting the assessor of a taxing jurisdiction in making exemption, classification, or valuation decisions must obtain licensure as a certified Minnesota assessor. A local assessor employed by a township or city not requiring a higher level of licensure as shown in the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" must obtain licensure as a certified Minnesota assessor. Requirements to initially obtain licensure as a certified Minnesota assessor are given in items A to ~~G~~ F.

~~F. In addition to the requirements in items A to E, the board may require a passing grade on a board-approved comprehensive examination.~~

~~G~~ F. Application to the board, and the appropriate fee.

### **1950.1040 CERTIFIED MINNESOTA ASSESSOR SPECIALIST (CMAS).**

A local assessor employed by a township or city shown on the "List of License Levels for Minnesota Taxing Jurisdictions" under the heading "Certified Specialist" must obtain licensure as a certified Minnesota assessor specialist. Requirements to initially obtain licensure as a certified Minnesota assessor specialist are given in items A to ~~F~~ E.

~~E. In addition to the requirements in items A to D, the board may require a passing grade on a board-approved comprehensive examination.~~

~~F~~ E. Application to the board, and the appropriate fee.

### **1950.1050 ACCREDITED MINNESOTA ASSESSOR (AMA).**

A local assessor employed by a township or city shown on the "List of Assessor License Levels for Minnesota Taxing Jurisdictions" under the heading "Accredited" must obtain licensure as an accredited Minnesota assessor. Requirements to initially obtain licensure as an accredited Minnesota assessor are given in items A to ~~E~~ F.

C. A satisfactory interview by the board.



E.D. Three years of assessment experience.

~~D. In addition to the requirements in items A to C, the board may require either a passing grade on a board-approved comprehensive examination or a satisfactory interview by the board, or both.~~

E. In addition to the requirements in items A to D, the board may require a passing grade on a board-approved comprehensive examination or the board may substitute the examination for the satisfactory interview by the board. If the board requires applicants to take an examination, the board must publish notice of its intent to require an examination, whether the examination will be in addition to or in place of the interview and whether the requirement continues until further notice. The notice must be published in the board minutes and on the board's Web site at least 180 days before the date the examination is to be given.

E.F. Application to the board, and the appropriate fee.

### **1950.1060 SENIOR ACCREDITED MINNESOTA ASSESSOR (SAMA).**

Subp. 2. **Specific requirements for SAMA.** Requirements to initially obtain licensure as a senior accredited Minnesota assessor are given in items A to E.D.

~~D. In addition to the requirements in items A to C, the board may require a passing grade on a board-approved comprehensive examination.~~

E.D. Application to the board, and the appropriate fee.

**EFFECTIVE DATE.** The amendments to chapter 1950 are effective July 1, 2011.

## Expedited Rules

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

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

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

## Department of Natural Resources (DNR) Adopted Expedited Permanent Game and Fish Rules: Hunting Areas and Taking Big and Small Game

The rules proposed and published at *State Register*, Volume 35, Number 33, pages 1228-1244, February 14, 2011 (35 SR 1228), are adopted with the following modifications:

### 6232.1300 SEASONS FOR TAKING DEER BY FIREARMS.

#### Subp. 3. 300 Series.

B. Legal bucks may be taken in season option A for a ~~nine-day~~ seven-day period beginning the Saturday nearest November 6. In managed or intensive deer permit areas, antlerless deer may be taken throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an either-sex permit and who is licensed for season option A may take an antlerless deer without a permit, except in those lottery deer permit areas where no either-sex permits are offered and in youth-only antlerless deer permit areas.

### 6232.4600 ELK ZONES.

Subp. 3. **Kittson County Central Elk Zone.** The Kittson County Central Elk Zone consists of that portion of the state lying within the following described boundary: Beginning at the intersection of County State-Aid Highway (CSAH) 1 and State Trunk Highway (STH) 175; thence along CSAH 1 to County Road (CR) 51; thence along CR 51 to CSAH 4; thence along CSAH 4 to ~~CSAH 15~~; thence along CSAH 15 to CSAH 36; ~~thence along CSAH 36~~ State Ditch 85 (330th Street); thence along State Ditch 85 to State Ditch 72 (310th Street); thence along State Ditch 72 to 480th Avenue; thence along 480th Avenue to CSAH 10; thence along CSAH 10 to U.S. Highway 59; thence along U.S. Highway 59 to STH 175; thence along STH 175 to the point of beginning.

## Department of Public Safety (DPS) Adopted Expedited Permanent Rules Relating to Intoxication Testing

The rules proposed and published at *State Register*, Volume 35, Number 44, pages 1709-1710, May 02, 2011 (35 SR 1709), are adopted as proposed.

# Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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

## Department of Labor and Industry (DLI) Adopted Exempt Permanent Rules Relating to Workers' Compensation

### 5220.2525 ELECTRONIC FILING.

Where parts 5220.2510 to 5220.2960 authorize or require a document to be filed with the commissioner, department, or division, the commissioner is authorized to allow or require the document to be filed electronically in the manner and format specified by the commissioner under *Minnesota Statutes*, section 176.285.

### **5220.2570 DENIALS OF LIABILITY.**

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

Subp. 7. **Time for filing.** Denials of liability must be filed with the division within the following time limits:

A. Where appropriate, a denial under subpart 2 must be filed with the commissioner and served on the employee within 14 days of notice to or knowledge by the employer of an injury which is required to be reported to the commissioner under *Minnesota Statutes*, section 176.231, subdivision 1. Where appropriate, a denial under subpart 2 must be filed with the commissioner and served on the employee within 30 days after notice or knowledge where an extension has been requested in the event of a new period of temporary total or if payment has commenced. When payment of compensation has commenced, a denial more than 60 days after notice or knowledge must be filed under subpart 3.

B. A denial of liability under subpart 3 must be filed with the commissioner and served on the employee in accordance with part 5220.2630, subpart 4.

C. A denial of liability under subpart 4 must be filed with the commissioner and served on the employee within 14 days of notice or knowledge of a new period of lost time due to a previous work-related injury unless an extension is requested under *Minnesota Statutes*, section 176.221, subdivision 1.

D. A denial under subpart 5 must be filed with the commissioner and served on the employee within the time frame required by statute for the type of benefit being denied.

[For text of subs 8 to 10, see M.R.]

Subp. 11. **Penalty; nonspecific denial.** A nonspecific denial as defined in subpart 2, item E; 4, item E; or 5, item E, may result in the assessment of a penalty in the amount of \$500 under *Minnesota Statutes*, section 176.84, subdivision 2. A penalty for a nonspecific denial may be assessed without regard to the substantive validity of the denial of benefits. A penalty under this subpart may be assessed in addition to the penalties described in subparts 9 and 10 and is payable to the special compensation fund commissioner for deposit in the

# Exempt Rules

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assigned risk safety account.

## 5220.2630 DISCONTINUANCE OF COMPENSATION.

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

### Subp. 4. Notice of intention to discontinue benefits.

A. To discontinue temporary total, temporary partial, or permanent total benefits in situations not specified in subpart 3, the employer or insurer must serve upon the employee and file with the division a notice of intention to discontinue benefits or a petition under subpart 2. The insurer may serve and file a notice of intention to discontinue permanent total benefits under this subpart only where no judicial or administrative decision finding permanent total status was previously issued. The notice of intention to discontinue benefits must be accompanied by a form prescribed by the commissioner with which to request an administrative conference on the proposed discontinuance. The form must contain the employer's name, the date of the injury or disease, and the name, social security number or workers' compensation identification number assigned by the department, and address of the employee and a space for the employee to indicate the reason the employee objects to the proposed discontinuance.

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

C. The liability of the insurer to make compensation payments continues at least until the notice of intention to discontinue benefits is received by the division and served on the employee and the employee's attorney, except that benefits may be discontinued on the date the employee returned to work and temporary partial benefits may be discontinued as of the date the employee ceased employment. Continuation of benefits following service and filing of a notice of intention to discontinue benefits where the employee has requested an administrative conference is set out in part ~~5220.2640~~ 1415.3900, subpart 3.

[For text of subs 5 and 6, see M.R.]

## 5220.2720 IMPROPER DISCONTINUANCES; PENALTY.

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

Subp. 2. **Amount.** When the division makes a determination under subpart 1, notice will be given and fines assessed as follows:

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

C. Alternatively, a penalty may be assessed ~~under as provided in Minnesota Statutes, section 176.221, subdivision 3, payable to the commissioner for deposit in the assigned risk safety account, of up to 100 percent of the amount of compensation to which the employee is entitled.~~

D. In addition to a penalty payable to the ~~special compensation fund or commissioner for deposit in~~ the assigned risk safety account under this part, a penalty may be assessed under part 5220.2760.

Subp. 3. **Payable to.** Penalties under this part are payable to the ~~special compensation fund or commissioner for deposit in~~ the assigned risk safety account.

## 5220.2740 FAILURE TO PAY OR DENY MEDICAL CHARGES; PENALTY.

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

Subp. 4. **Payable to.** Penalties assessed under this part are payable to the commissioner for deposit in the assigned risk safety account.

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

## 5220.2750 FAILURE TO MAKE TIMELY PAYMENT OF PERMANENT PARTIAL DISABILITY, ECONOMIC RECOVERY COMPENSATION, OR IMPAIRMENT COMPENSATION; PENALTY.

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

Subp. 2. **Amount.** ~~A penalty may be assessed under Minnesota Statutes, section 176.221, subdivisions 3 and 6a, a penalty of up to 100 percent of the amount owing may be assessed in the amounts provided by Minnesota Statutes, section 176.221, subdivision 3.~~

Subp. 3. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

## 5220.2760 ADDITIONAL AWARD AS PENALTY.

Subpart 1. **Basis.** Penalties under *Minnesota Statutes*, section 176.225, subdivision 1, in an amount up to 30 percent of the total amount of the compensation award shall be assessed by the division on the grounds listed in that section, including:

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

C. other violations under *Minnesota Statutes*, section 176.225, subdivision 1, ~~paragraph (a), (b), (c), (d), (e), or (f) clause (1), (2), (3), (4), (5), or (6).~~

This part does not affect the employee's independent right to seek penalties by filing a claim petition under *Minnesota Statutes*, section 176.271.

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

## 5220.2770 FAILURE TO PAY OR DENY; PENALTY.

Subpart 1. **Basis.** Where payment is not made in a timely manner and no denial of primary liability is filed with the commissioner and served on the employee as provided by *Minnesota Statutes*, section 176.221, subdivision 1, the division may assess the penalties provided in *Minnesota Statutes*, section 176.221, subdivisions 3 and 3a.

Subp. 2. **Amount.** The commissioner's designee must use the following procedure to determine the amount of the penalty.

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

D. Where no compensation has been paid but the insurer has failed to file and serve on the employee a denial of liability within the statutory 14- or 30-day limit on a claim required to be reported to the division, a penalty of up to \$2,000 may be assessed under *Minnesota Statutes*, section 176.221, subdivision 3a, as follows:

[For text of subitems (1) to (4), see M.R.]

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

Subp. 3. **Payable to.** This penalty is payable to the commissioner for deposit in the assigned risk safety account.

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

## 5220.2780 FAILURE TO PAY UNDER ORDER; PENALTY.

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

Subp. 3. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

## 5220.2810 FAILURE TO RELEASE MEDICAL DATA; PENALTY.

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

Subp. 4. **Payable to.** The amount of any penalty assessed under this part is payable to the commissioner for deposit in the assigned risk safety account.

## 5220.2820 FAILURE TO MAKE TIMELY REPORT OF INJURY; PENALTY.

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

Subp. 3. **Assessment.** The penalty must be assessed by letter written notice of penalty assessment informing the employer or insurer of the number of violations in the past 12 months on record and the amount of the penalty. The letter notice must contain instructions for payment.

Subp. 4. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

Subp. 5. [Repealed, 18 SR 2546]

## 5220.2830 OTHER FAILURE TO FILE REPORT IN MANNER OR WITHIN TIME LIMITS PROVIDED; PENALTY.

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

Subp. 3. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

# Exempt Rules

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## 5220.2840 FAILURE TO MAKE PAYMENT OR REPORT TO SPECIAL FUND; PENALTY.

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

Subp. 4. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

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

## 5220.2850 FAILURE OF UNINSURED OR SELF-INSURED TO PAY; PENALTY.

The ~~fund director~~ commissioner, through an authorized designee or representative, will seek reimbursement of benefits paid from the special fund and the penalties provided under *Minnesota Statutes*, sections 176.181, subdivision 3, and 176.183, subdivision 2, by filing petitions for contribution and reimbursement or recovery, and through other collection mechanisms or remedies available in the civil courts.

## 5220.2930 DEPENDENT'S BENEFITS.

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

Subp. 5. **Offset for government survivor benefits.** An offset for government survivor benefits is allowed under *Minnesota Statutes*, section 176.111, subdivision 21, only to the extent that the government survivor benefits, when combined with the weekly workers' compensation benefits, exceed the weekly wage of the deceased employee at the time of death or exceeds the dependents allocated portion of the weekly wage for deaths occurring prior to July 1, 1981. For purposes of this offset, the weekly wage must be increased by the adjustments provided by *Minnesota Statutes*, section 176.645.

A. Deaths prior to July 1, 1981. If there is a surviving spouse and one or more dependent children in a single household, the offset must be computed twice, once separately for the spouse and once separately for the children, the children being taken as a group. For purposes of this computation, the weekly wage, as adjusted pursuant to *Minnesota Statutes*, section 176.645, is allocated between the spouse and children in the same proportion as benefits are allocated pursuant to this rule. Mother's and father's insurance benefits under *United States Code*, title 42, section 402(g), must be allocated to the children.

B. Deaths after June 30, 1981.

(1) Surviving spouse responsible for support of all dependents. If the support of all dependent children is the responsibility of the surviving spouse, the offset shall be computed only once, taking the spouse and dependent children together as one group. All government survivor benefits, including mother's and father's insurance benefits, received by any member of the group shall be lumped together for purposes of computing the offset.

(2) Surviving spouse not responsible for support of all dependents. If support of one or more of the dependent children is not the responsibility of the surviving spouse, the offset shall be computed twice, once for the surviving spouse and the children dependent on the surviving spouse, all taken as a group, and once for the children whose support is not the responsibility of the surviving spouse. For purposes of the offset, the weekly wage, as adjusted under *Minnesota Statutes*, section 176.645, must be allocated between the spouse and children in the same proportion as benefits are allocated pursuant to this part. Mother's and father's insurance benefits must be allocated to the group comprised of the dependent children for whose benefit the mother's and father's insurance benefits are being paid.

## 5221.0600 PAYER RESPONSIBILITIES.

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

Subp. 4. **Notification.** Within 30 calendar days of receipt of the bill, the payer shall provide written notification to the employee and provider of denial of part or all of a charge, or of any request for additional information, except that the employer or insurer is not required to notify the employee of payment of charges that have been reduced according to *Minnesota Statutes*, section 176.136, subdivision 1, 1a, or 1b. Written notification shall include:

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

[For text of subps 5 and 6, see M.R.]

## 5222.0400 PROCEDURE.

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

Subp. 2. **Contents of agreement.** This agreement must state:

A. the name of the employee;

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# Exempt Rules

B. the employee's social security number of the employee or workers' compensation identification number assigned by the department;

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

[For text of subs 3 to 9, see M.R.]

## 5222.2001 CONTENTS OF NOTICE.

Subpart 1. **Form.** Notices relating to policy coverage shall be filed on forms prescribed by the commissioner or as provided in subpart 2. All notices submitted must be typewritten, machine printed, on computer magnetic tape in an approved format, or via ~~telecommunications~~ electronic transmission using an approved format and protocol as authorized by the commissioner under Minnesota Statutes, section 176.285.

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

## 5222.3001 AUTHORITY AND PURPOSE, AND ELECTRONIC FILING.

Subpart 1. **Authority and purpose.** Parts 5222.3000 to 5222.3007 are adopted pursuant to the authority granted to the commissioner by *Minnesota Statutes*, sections 175.17, 176.83, and 176.130. The purpose of parts 5222.3000 to 5222.3007 is to specify the procedures by which woodmills and qualified employers report to the commissioner for the purpose of administering and implementing the provisions of *Minnesota Statutes*, section 176.130.

Subp. 2. **Electronic filing.** Where parts 5222.3000 to 5222.3007 or *Minnesota Statutes*, section 176.130, authorize or require a document to be filed with the commissioner, department, or division, the commissioner is authorized to allow or require the document to be filed electronically in the manner and format specified by the commissioner under *Minnesota Statutes*, section 176.285.

**REPEALER.** *Minnesota Rules*, part 5220.2920, subpart 6, is repealed.

# Department of Public Safety (DPS)

## Adopted Exempt Permanent Rules Relating to Ignition Interlock Device Program

### 7409.3600 LIMITED LICENSE.

Subpart 1. **General procedures for obtaining limited license.** In accordance with part 7503.1800, except as specified in subparts 2 and 3 of this part ~~7409.3600~~, the commissioner shall issue a limited license following a revocation under *Minnesota Statutes*, section 169.792, 169.797, or 171.17, or suspension under *Minnesota Statutes*, section 171.18, only when the person has met the conditions specified in this part:

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

D. One-half of the revocation or suspension period must be expired if the person has had a limited license within the previous 24 months, except that this requirement does not apply to a program participant under *Minnesota Statutes*, section 171.306, subdivision 1, paragraph (c), who is subject to part 7503.1800, subpart 4d.

[For text of items E and F, see M.R.]

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

Subp. 5. **Chemical dependency treatment or counseling.**

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

C. Driving time to attend the support group in item A, subitem (2), is authorized for no more than ~~twice~~ three times a week, or as otherwise ordered by a court.

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

Subp. 10. **Ignition interlock device program needs.** Upon the request of a driver who chooses to have an ignition interlock device installed on a vehicle, the commissioner shall issue a limited license for the person to drive to a local service provider for periodic device calibration and maintenance.

# Exempt Rules

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## 7503.0100 DEFINITIONS.

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

Subp. 1a. **Alcohol and drug counselor.** “Alcohol and drug counselor” has the meaning given in *Minnesota Statutes*, section 148C.01, subdivision 2.

Subp. 1b. **Assessor.** “Assessor” has the meaning given in part 9530.6605, subpart 4.

Subp. 2. **Chemical use assessment.** A “chemical use assessment” is a report prepared under part 7503.1725 or *Minnesota Statutes*, section 169A.54, subdivision 11, or 169A.70 or 171.306, to evaluate a person’s driving ability in relation to possible chemical abuse.

[For text of subs 3 and 4, see M.R.]

Subp. 4a. **Certificate of insurance.** “Certificate of insurance” means a completed insurance certificate from the authorized representative of the insurance carrier authorized to do business in the state stating that the vehicle will be covered by a plan of reparation security as required by *Minnesota Statutes*, section 65B.48, that is noncancelable for a period not to exceed 12 months, or an equivalent certification when the insurance policy is issued by an authorized insurance carrier for coverage of a vehicle registered in a state other than Minnesota or in a Canadian province.

[For text of subs 5 to 6b, see M.R.]

Subp. 6c. **Employer-owned motor vehicle.** “Employer-owned motor vehicle” means a motor vehicle that is not equipped with an ignition interlock device and is made available to a program participant by an employer for the program participant’s use in the normal course and scope of employment duties.

Subp. 7. [Repealed, 27 SR 707]

Subp. 7a. **Ignition interlock device or device.** “Ignition interlock device” or “device” has the meaning given in *Minnesota Statutes*, section 171.306, subdivision 1, paragraph (b).

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

Subp. 8a. **Program participant.** “Program participant” has the meaning given in *Minnesota Statutes*, section 171.306, subdivision 1, paragraph (c).

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

Subp. 11. **Sufficient cause to believe.** “Sufficient cause to believe” means grounds put forth in good faith which are not arbitrary, irrational, unreasonable, or irrelevant and which make the proposition asserted more likely than not, provided the grounds are based on at least one of the following sources:

A. ~~written information from an identified person;~~

B. ~~A.~~ facts or statements supplied by the applicant or driver;

C. ~~B.~~ driver’s license and accident records;

D. ~~C.~~ court documents and police records;

E. ~~D.~~ facts of which the commissioner or the commissioner’s employees have personal knowledge;

F. a blood, breath, or urine test indicating the presence of alcohol or a test refusal.

[For text of subp 12, see M.R.]

## 7503.0800 REVOCATION PERIODS.

Subpart 1. **Statutory periods.** The commissioner shall revoke drivers’ licenses or nonresident driving privileges for the minimum periods prescribed in current or former *Minnesota Statutes*, sections 169.121, 169.123, 169A.52, and 169A.54. ~~The revocation period for a DWI conviction with three or more prior impaired driving incidents is two years unless the violation involved an alcohol concentration of 0.20 or more in which case the revocation period is four years.~~



[For text of subs 2 to 6, see M.R.]

Subp. 7. [See repealer.]

## **7503.1300 LICENSE CANCELLATION AND DENIAL.**

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

Subp. 2. **Multiple alcohol- or controlled-substance-related incidents.** The commissioner shall cancel and deny the driver's license or the driving privilege of a person who:

A. has incurred three alcohol- or controlled-substance-related incidents within the past ten years;

B. has incurred three of these incidents and a special review has been completed and entered in the driver's record within ten years of the third incident, except that this item does not apply if any of these incidents occurred on or after July 1, 2011; or

C. has four or more of these incidents on record.

Subp. 3. [Repealed, 27 SR 707]

## **7503.1650 IGNITION INTERLOCK DEVICE PROGRAM; QUALIFICATION.**

Subpart 1. **Ignition interlock device pilot project participant.** A person whose driving privilege has been revoked under *Minnesota Statutes*, chapter 169A, for an impaired driving incident and is continuously participating in the ignition interlock device pilot project under *Minnesota Statutes*, section 171.306, on or before June 30, 2011, is not subject to the ignition interlock device program guidelines, the rules governing the program, or the statutory requirements under *Minnesota Statutes*, section 171.306, in effect on or after July 1, 2011. Any subsequent alcohol- or controlled-substance-related incident incurred by a participant in the pilot project on or after July 1, 2011, will result in termination from the pilot project.

Subp. 2. **Cancellation and denial prior to July 1, 2011.** A person whose driver's license or driving privilege was canceled and denied under part 7503.1300, subpart 2, prior to July 1, 2011, and chooses to participate in the ignition interlock device program shall do so for not less than three years, or for a period of time that is based on the number of qualified impaired driving incidents as specified in *Minnesota Statutes*, section 169A.55, subdivision 4, whichever is longer. Such a participant is subject to the requirements of the program as if the cancellation and denial was effective on or after July 1, 2011.

Subp. 3. **Revocation prior to July 1, 2011.** A person whose driver's license or driving privilege was revoked under *Minnesota Statutes*, section 169A.52 or 171.17, subdivision 1, paragraph (a), clause (2), prior to July 1, 2011, and chooses to participate in the ignition interlock device program is subject to the requirements of the program as if the revocation was effective on or after July 1, 2011.

## **7503.1675 IGNITION INTERLOCK DEVICE PROGRAM; TERMINATION.**

Pursuant to *Minnesota Statutes*, section 171.306, subdivision 5, paragraph (b), the commissioner shall terminate a program participant's participation in the program for a nonprogram violation under *Minnesota Statutes*, chapter 169, or a departmental action under *Minnesota Statutes*, chapter 171, that results in the withdrawal of a program participant's driving privilege for more than one year.

## **7503.1700 REHABILITATION.**

Subpart 1. **When applicable.** A person whose driving privilege has been canceled and denied prior to July 1, 2011, is subject to the provisions of this part, unless the person chooses to participate in the ignition interlock device program. A person must complete rehabilitation or participate in the ignition interlock device program whenever:

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

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

## **7503.1725 IGNITION INTERLOCK DEVICE PROGRAM; REHABILITATION.**

Subpart 1. **When applicable.** A person whose driver's license or driving privilege has been revoked or canceled and denied under part 7503.1300 or *Minnesota Statutes*, section 169A.52; 169A.54; or 171.04, subdivision 1, clause (10), on or after July 1, 2011, is subject to the provisions of this part. A person must complete rehabilitation whenever:

A. the person's driver's license or driving privilege has been canceled and denied as a result of incurring three or more alcohol- or controlled-substance-related incidents within the past ten years; or

# Exempt Rules

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B. there are four or more alcohol- or controlled-substance-related incidents on record.

**Subp. 2. Issuance of limited license with ignition interlock device installation.** The commissioner shall issue a limited license to a person, or a limited driving privilege to a nonresident, for one year for participation in the ignition interlock device program when the person has met the requirements of this subpart. The person must:

A. be 18 years of age or older and in possession of a driver's license, as defined in *Minnesota Statutes*, section 171.01, subdivision 37; or

B. be 18 years of age or older and in possession of a nonresident driver's license according to the *National Driver Register*; and

C. complete a chemical use assessment after the last documented date of the use of alcohol or controlled substance that:

(1) meets the requirements of part 9530.6422 or 9530.6615; or

(2) is comparable to the criteria in subitem (1) and demonstrates consideration of all controlled substance or alcohol-related violations on the person's driving record, if the chemical use assessment is from another state or Canadian province;

D. provide proof of enrollment in treatment or other programs as recommended in the chemical use assessment report. If the report indicates that treatment or other programs are not necessary, then the person must provide the commissioner with the chemical use assessment report. Proof of the chemical use assessment or proof of enrollment in a treatment or other program must be sent or transmitted electronically to the commissioner from the treatment center or the assessor or alcohol and drug counselor completing the assessment. The commissioner shall verify the chemical use assessment for accuracy and validity. If the commissioner has sufficient cause to believe that the person provided fraudulent documentation relative to the requirements under this part, the commissioner shall not accept the chemical use assessment report and shall require that the person complete a new chemical use assessment. For purposes of this subpart, "fraudulent documentation" means the deliberate submission of information that is false or misleading and includes falsified assessment or treatment records, falsified records showing incorrect abstinence periods, or other altered and incorrect records or documents;

E. substantiate abstinence by signing a statement, on a form provided by the commissioner, attesting to the date on which the person applying for license reinstatement last consumed alcohol or a controlled substance. The statement must be notarized or completed in the presence of an authorized representative of the commissioner;

F. provide a certificate of insurance stating that the coverage for any vehicle equipped with an ignition interlock device is noncancelable for a period not to exceed 12 months;

G. complete the requirements under *Minnesota Statutes*, section 171.306, subdivision 4;

H. satisfy the requirements under *Minnesota Statutes*, section 171.30; and

I. be eligible for a limited license under parts 7409.3600 and 7503.1800.

**Subp. 3. Conditional reinstatement of restricted driver's license with ignition interlock device restriction.** Notwithstanding part 7503.1600, item C, the commissioner shall issue a restricted driver's license with an ignition interlock device restriction to a person, or issue a restricted driving privilege with an ignition interlock device restriction to a nonresident, when the person or nonresident has met the requirements of subpart 2 and provides the commissioner with the following:

A. evidence of chemical dependency treatment that has been sent or transmitted electronically to the commissioner from the treatment center or the assessor or alcohol and drug counselor completing the assessment that includes:

(1) the starting and ending dates of primary treatment, relapse treatment, or other programs;

(2) verification of successful completion of all treatment or other programs, including primary treatment or relapse treatment and aftercare if required by the treatment program; and

(3) a discharge summary as outlined in part 9530.6425; and

B. a certificate of insurance stating that the coverage for any vehicle equipped with an ignition interlock device is noncancelable for

a period not to exceed 12 months.

**Subp. 4. Abstinence documentation.** Every person applying for a restricted driver's license after rehabilitation must sign a statement acknowledging the person's awareness that abstinence from the use of alcohol and controlled substances is a condition of licensure.

A. The commissioner shall provide the format for the statement to the person applying for license reinstatement.

B. The statement must contain an acknowledgment as well as an advisory that the commissioner shall cancel and deny the driver's license and driving privilege of the person if the commissioner has sufficient cause to believe that the person has consumed alcohol or used a controlled substance, whether or not the circumstances involve the operation of a motor vehicle.

C. The restriction to abstain from the consumption of alcohol and use of controlled substances must be placed on the person's driver's license and driving record.

**Subp. 5. Required abstinence period for removal of ignition interlock device.**

A. The commissioner shall not remove the ignition interlock device restriction from a person's driver's license record whose driving privileges have been canceled and denied under *Minnesota Statutes*, section 169A.52; 169A.54; 171.04, subdivision 1, clause (10), or part 7503.1300, until the person has met the requirements under *Minnesota Statutes*, sections 169A.55, subdivision 4, and 171.306, subdivisions 3 and 4.

B. During the course of the rehabilitation period, the person must demonstrate regular and consistent use of the ignition interlock device as evidenced by no fewer than 30 breath alcohol concentration tests of less than .02 per month.

**Subp. 6. Failure to abstain following abstinence documentation.**

A. A person whose driving privilege is canceled and denied under subpart 4 and who has completed the ignition interlock device program may reenroll in the ignition interlock device program under *Minnesota Statutes*, section 171.306, for a period of 12 months.

B. The commissioner shall issue a restricted driver's license or a restricted driving privilege with an ignition interlock device restriction to a person upon reenrollment in the ignition interlock device program and proof of installation of a device on the person's vehicle.

C. The commissioner shall not remove the ignition interlock device restriction from the driver's license or driving privilege of a person under this subpart until:

(1) the person's ignition interlock device has registered no positive breath alcohol concentration tests of .02 or higher for the previous 12 months that is demonstrated by the regular and consistent use of the device as evidenced by no fewer than 30 breath alcohol concentration tests per month; and

(2) the person has completed the rehabilitation requirements of subparts 2 and 3.

Notwithstanding part 7503.1600, item C, the commissioner shall reinstate a person's driver's license or driving privilege under this subpart in accordance with subpart 4.

D. This subpart does not apply to the consumption of a controlled substance in accordance with a medical prescription.

## **7503.1775 EMPLOYMENT EXCEPTION.**

**Subpart 1. Authority.** Pursuant to *Minnesota Statutes*, section 171.306, subdivision 4, paragraph (b), the commissioner shall grant an employment exception variance to a program participant when the conditions of variance have been satisfied in order for the program participant to drive, operate, or be in physical control of an employer-owned motor vehicle.

**Subp. 2. Persons not eligible.** The commissioner shall not grant an employment exception variance to a program participant who is self-employed, or to a person who wholly or partially owns an entity that owns an employer-owned motor vehicle.

**Subp. 3. Restrictions and limitations.** A program participant who is granted an employment variance shall not drive, operate, or be in physical control of any of the following:

# Exempt Rules

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A. a rental car in the normal course and scope of employment duties;

B. an employer-owned motor vehicle for personal use; or

C. a Type III vehicle, within the meaning of *Minnesota Statutes*, section 169.011, where the program participant is transporting children under the age of 18 or vulnerable adults within the meaning of *Minnesota Statutes*, section 626.5572, subdivision 21.

Subp. 4. **Variance procedure.** The program participant requesting the variance shall submit the variance request in writing to the commissioner. The request must include a letter from the program participant's employer that:

A. describes the program participant's need for use of an employer-owned motor vehicle;

B. specifies the normal course and scope of employment duties of the program participant;

C. avers that the employer-owned motor vehicle to be operated by the program participant must display special registration plates under *Minnesota Statutes*, section 169A.60; and

D. must be notarized or completed in the presence of an authorized representative of the commissioner.

Subp. 5. **Variance criteria; conditions.** The commissioner shall grant a variance request if:

A. the request was made as prescribed in subpart 4;

B. the variance will have no potential adverse effect on public safety;

C. the variance has only future effect; and

D. the variance does not vary a statutory standard.

Subp. 6. **Notice of decision.** The commissioner shall notify the program participant in writing of the commissioner's decision to grant or deny the variance.

A. If the variance is granted, the notice must specify the period of time for which the variance will be effective.

B. The commissioner shall deny the variance request if the commissioner determines that the criteria in subpart 4 or 5 are not met.

C. If the variance is denied, the denial notice must specify the reasons for the denial and indicate that the program participant may request a review of the commissioner's decision. A person who disagrees with a decision of the commissioner issued under this part may request a contested case hearing. The request for a contested case hearing must be submitted in writing to the commissioner within 15 days of the date of the commissioner's decision. The request for a contested case hearing must set out in detail the reasons why the person contends the decision of the commissioner should be reversed or modified. If the commissioner receives a written request for a contested case hearing, the commissioner shall schedule a hearing within 30 days after the request is received under the procedures in *Minnesota Statutes*, sections 14.57 to 14.62, and the contested case rules of the Office of Administrative Hearings in parts 1400.5010 to 1400.8400. The decision of the administrative law judge shall be submitted to the commissioner for the commissioner's consideration. The commissioner's decision on the issue under appeal is the final decision of the department.

D. The program participant must have proof of the variance in the program participant's possession while driving, operating, or being in physical control of the employer-owned motor vehicle.

E. If the program participant violates the conditions attached to the variance, the program participant is subject to the enforcement actions and penalties attached to the applicable law or rule.

F. The program participant to whom a variance has been granted shall notify the commissioner in writing within 15 calendar days of a change in the conditions on which the variance was granted, or if the program participant is no longer employed by the employer under whom the variance is granted.

## 7503.1800 LIMITED LICENSES.

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

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## Exempt Rules

Subp. 3a. **Judicial review waiver.** The commissioner shall waive subpart 3, items A, B, and C if the person has filed a petition for judicial review in the appropriate court and has furnished a copy of the petition to the commissioner. If the revocation is sustained on judicial review, the requirements must be met before reinstatement of driving privileges.

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

Subp. 4a. **No limited commercial license.** The commissioner shall not issue a limited class A, B, or C license under ~~the provisions of Minnesota Statutes, section 171.30~~, during the period the individual is disqualified from holding a commercial class A, B, or C license under *Minnesota Statutes, section 171.165*.

Subp. 4b. **Limited class D license issuance exceptions.** The commissioner shall not issue a limited class D license under ~~the provisions of Minnesota Statutes, section 171.30~~, to an individual:

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

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

Subp. 4d. **Ignition interlock device exceptions.** The commissioner shall issue a limited license to a program participant, subject to *Minnesota Statutes, section 171.306, subdivision 4, paragraph (c), and part 7503.1725*, for the following purposes, except that these purposes are not subject to part 7409.3600, subpart 4, item A:

A. appearing in court for an offense under *Minnesota Statutes, sections 169A.20, and 169A.50 to 169A.53*;

B. meeting with the program participant's probation officer for an alcohol-related incident as scheduled or required;

C. participating in a generally recognized support group based on ongoing alcohol abstinence, controlled substance abstinence, or both, no more than three times a week or as otherwise ordered by the court;

D. attending medical or psychological treatment that is ordered by a court as a result of a violation of *Minnesota Statutes, sections 169A.20, and 169A.50 to 169A.53*; and

E. device calibration as required in *Minnesota Statutes, section 171.306, subdivision 3*.

Subp. 5. **Administrative review following denial of limited license.** The commissioner shall grant a person an administrative review according to the procedures in part 7409.4600, ~~subparts 1 to 4~~, to review a decision not to issue a limited license to that person.

**Subp. 6. Issuance of limited class D instruction permit.**

A. The commissioner shall issue a limited class D instruction permit to a resident of the state whose driving privilege is canceled and denied under *Minnesota Statutes, section 171.04, subdivision 1, clause (10), or 171.17, subdivision 1, paragraph (a), clause (2)*, for a period of one year, in order to comply with *Minnesota Statutes, section 171.306*. Before a limited class D instruction permit may be issued under *Minnesota Statutes, section 171.05, subdivision 1*, the person must:

(1) meet the requirements under part 7503.1725, subpart 2, items C to H;

(2) pass a class D knowledge test under part 7410.4500, subpart 2;

(3) pass a class D knowledge test on the effects of alcohol and drugs as described in part 7410.4520; and

(4) meet the requirements for a limited license under part 7409.3600, subpart 1.

B. The commissioner shall restrict and limit a limited class D instruction permit:

(1) as provided in part 7409.3600, subpart 4, item A;

(2) as provided in *Minnesota Statutes, section 171.05, subdivision 1a*; and

(3) for the exclusive purpose of receiving instruction in operating a motor vehicle.

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C. The commissioner shall not issue a class D license with ignition interlock device restriction to a person who has possessed a limited class D instruction permit for one year until the person:

(1) passes the class D driver's license road test; and

(2) meets the requirements under part 7503.1725, subpart 5, and *Minnesota Statutes*, section 171.306.

D. The commissioner shall not issue a class D limited license with ignition interlock device installation to a person who has possessed a limited class D instruction permit for less than one year until the person:

(1) passes the class D driver's license road test; and

(2) meets the requirements under part 7503.1725, subpart 2, and *Minnesota Statutes*, section 171.306.

**REPEALER.** *Minnesota Rules*, part 7503.0800, subpart 7, is repealed.

## 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)

### Clinton Falls Dwarf Trout Lily SNA Commissioner's Designation Order #213

**EFFECTIVE DATE:**

**June 27, 2011**

**Statutory authority:**

***Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093**

**WHEREAS**, certain lands in Steele County, Minnesota, described as:

That part of the Southeast Quarter of the Northeast Quarter of Section 20, Township 108, Range 20, Steele County, Minnesota and those parts of Lots 1 and 2 of the Northwest Quarter of Section 21, Township 108, Range 20, by B.S. Wheeler and recorded December 30, 1874, described as follows:

Commencing at the southeast corner said Southeast Quarter; thence on an assumed bearing of North 0 degrees 55 minutes 26 seconds West, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 269.90 feet; thence North 84 degrees 18 minutes 38 seconds West, a distance of 39.53 feet; thence North 87 degrees 19 minutes 48 seconds West, a distance of 112.33 feet; thence North 8 degrees 26 minutes 47 seconds West, a distance of 309.23 feet; thence South 81 degrees 54 minutes 13 seconds East, a distance of 447.17 feet; thence South 62 degrees 46 minutes 54 seconds East, a distance of 56.17 feet; thence North 88 degrees 23 minutes 02 seconds East, a distance of 73.50 feet; thence North 54 degrees 09 minutes 42 seconds East, a distance of 158.23 feet; thence South 88 degrees 08 minutes 51 seconds East, a distance of 98.36 feet, to the point of beginning of the land to be described; thence North 88 degrees 08 minutes 51 seconds West, a distance of 98.36 feet; thence South 54 degrees 09 minutes 42 seconds West, a distance of 158.23 feet; thence South 88 degrees 23 minutes 02 seconds West, a distance of 73.50 feet; thence North 62 degrees 46 minutes 54 seconds West, a distance of

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## Commissioner's Orders

56.17 feet; thence North 81 degrees 54 minutes 13 seconds West, a distance of 447.17 feet; thence South 8 degrees 26 minutes 47 seconds East, a distance of 309.23 feet ; thence North 87 degrees 19 minutes 55 seconds West, a distance of 247.11 feet, to intersect the hereinafter described Line X; thence North 0 degrees 43 minutes 10 seconds East, along said Line X, a distance of 354 feet to the centerline of Judicial Ditch No. 24; thence northeasterly along the centerline of said Judicial Ditch No. 24 to the north line of said Southeast Quarter of the Northeast Quarter; thence South 89 degrees 32 minutes 20 seconds East, along said north line, to the northeast corner of said Southeast Quarter of the Northeast Quarter; thence South 89 degrees 21 minutes 57 seconds East along the north line of the Southwest Quarter of the Northwest Quarter of said Section 21, to the centerline of the Straight River; thence southerly, easterly and northeasterly along said centerline of the Straight River, to said north line of said Southwest Quarter of the Northwest Quarter; thence South 89 degrees 21 minutes 57 seconds East, along said north line of said Southwest Quarter of the Northwest Quarter, to the centerline of the Straight River; thence southerly along said centerline of the Straight River to the centerline of County State Aid Highway Number 45; thence southwesterly along the centerline of said County State Aid Highway Number 45, to the intersection with a line bearing South 17 degrees 14 minutes 15 seconds East, from the point of beginning; thence North 17 degrees 14 minutes 15 seconds West, to the point of beginning.

Said Line X being described as follows:

Commencing at the southeast corner of said Northeast Quarter, thence North 0 degrees 12 minutes 08 seconds East, assumed bearing, 253.94 feet, along the east line of said Northeast Quarter; thence North 87 degrees 57 minutes 54 seconds West, 398.31 feet to the point of beginning of said Line X; thence North 0 degrees 00 minutes 08 seconds West, to the centerline of Judicial Ditch No. 24 and said Line X there terminating.

Together with a 16.5 foot wide easement for ingress and egress purposes over and across that part of the Southeast Quarter of the Northeast Quarter of Section 20, Township 108, Range 20, Steele County, Minnesota and that part of Lot 2, of the Northwest Quarter of Section 21, Township 108, Range 20, by B. S. Wheeler and recorded December 30, 1874, the centerline of said easement being described as follows:

Commencing at the southeast corner said Southeast Quarter; thence on an assumed bearing of North 0 degrees 55 minutes 26 seconds West, along the east line of said Southeast Quarter of the Northeast Quarter, a distance of 269.90 feet; thence North 84 degrees 18 minutes 38 seconds West, a distance of 39.53 feet; thence North 87 degrees 19 minutes 48 seconds West, a distance of 112.33 feet; thence North 8 degrees 26 minutes 47 seconds West, along a line hereinafter referred to as Line A for the purpose of this description, a distance of 8.37 feet, to the point of beginning of the centerline to be described; thence South 87 degrees 19 minutes 48 seconds East, a distance of 114.38 feet; thence South 84 degrees 18 minutes 38 seconds East, a distance of 47.12 feet; thence South 0 degree 55 minutes 34 seconds West, a distance of 15.56 feet; thence South 87 degrees 14 minutes 36 seconds East, a distance of 235.28 feet; thence North 6 degrees 10 minutes 53 seconds East, a distance of 44.59 feet; thence South 83 degrees 59 minutes 21 seconds East, a distance of 51.37 feet; thence South 71 degrees 44 minutes 53 seconds East, a distance of 77.18 feet; thence South 51 degrees 55 minutes 39 seconds East, a distance of 68 feet, to the centerline of County State Aid Highway Number 45, and said centerline there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate at the centerline of County State Aid Highway Number 45 and at Line A and its northerly extension.

Containing 20.5 acres, more or less, are under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain one of the most significant populations of the endemic, federally endangered dwarf trout lily (*Erythronium propullans*), native plant communities, such as Elm–Ash–Basswood Terrace Forest and Elm–Basswood–Black Ash (Hackberry) Forest, and frontage on the Straight River;

and

**WHEREAS**, the most effective means by which such lands can be used and protected for educational and research purposes in such manner and by such means as will leave them conserved for future generations is by designation as a Scientific and Natural Area.

# Commissioner's Orders

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**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97 A.093, that the above-described lands are designated as the Clinton Falls Dwarf Trout Lily Scientific and Natural Area.

**FURTHERMORE**, the Clinton Falls Dwarf Trout Lily Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except access by watercraft is allowed with such limitations as the Commissioner determines are necessary for the protection of the values for which the site was designated.

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

## Department of Natural Resources (DNR) Myhr Creek Ridge SNA Commissioner's Designation Order #214

<b>EFFECTIVE DATE:</b>	<b>June 27, 2011</b>
<b>Statutory authority:</b>	<b><i>Minnesota Statutes</i> 84.033, 86A.05, Subd. 5 and 97A.093</b>
<b>Supersedes:</b>	<b>SNA Order # 182</b>

**WHEREAS**, certain lands in Cook County, Minnesota, described as:

The East One-half of the Northeast Quarter (E ½ of NE ¼) and the East One-half of the Southeast Quarter (E ½ SE ¼), Section Twenty-four (24), Township Sixty-two (62) North, Range Three (3) East.

and

Government Lot 2 (SW ¼ NW ¼), Section 19, Township Sixty-Two (62) North, Range Four (4) East, 4<sup>th</sup> P.M.

containing 200.31 acres, more or less, are under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities, such as Northern Black Spruce/Jack Pine Woodland Complex, Northern Wet Meadow/Wet Forest Complex, Aspen-Birch Forest: Balsam Fir Subtype, Black Ash-Conifer Swamp (Northeastern), and Northern Alder Swamp;

and

**WHEREAS**, the most effective means by which such lands can be used and protected for educational and research purposes in such manner and by such means as will leave them conserved for future generations is by designation as a Scientific and Natural Area.

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97 A.093, that the above-described lands are designated as the Myhr Creek Ridge Scientific and Natural Area.

**FURTHERMORE**, the Myhr Creek Ridge Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that Scientific and Natural Area Order no. 182 is hereby superseded.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the following uses will be permitted with such limitations as Commissioner determines are necessary for protection of the values for which the site was designated: picnicking, dogs, picking edible berries for non-commercial purposes, and hunting in seasons for protected game species.



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# Commissioners' Orders

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

## Department of Natural Resources (DNR) Mound Prairie SNA Commissioner's Designation Order #215

**EFFECTIVE DATE:** June 27, 2011  
**Statutory authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093  
**Supersedes:** SNA Order # 147

**WHEREAS**, certain lands in Houston County, Minnesota, described as:

Parcel 1:

All those lands in the West Half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section 34 and the Northeast Quarter of the Northeast Quarter of Section 33, Township 104 North, Range 5 West.

Parcel 2:

A part of the Fractional Northwest Quarter and a part of the Fractional Northeast Quarter of Section 3, Township 103 North, Range 5 West, Houston County, Minnesota, described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 3; thence North 89 degrees 59 minutes 44 seconds East (NOTE: all bearings are in relationship with the north line of said Northwest Quarter which is on the Houston County 1983 NAD System) along the north line of said Northwest Quarter for a distance of 1065.19 feet to the point of beginning, said point also being a point in the east line of Lot 38, VALLEY HIGH ESTATES, FIRST SUBDIVISION, as said Subdivision is recorded at the Houston County Recorder's Office; thence South 13 degrees 25 minutes 37 seconds West along the east line of said Lot 38 for a distance of 103.17 feet to a found iron pipe at the southeast corner of said Lot 38; thence South 06 degrees 18 minutes 04 seconds East along the east line of Lots 39 and 40 in said Subdivision for a distance of 241.75 feet to the most northerly corner of Lot 41 in said Subdivision; thence South 34 degrees 09 minutes 36 seconds East along the northeasterly line of Lots 41 and 42 in said Subdivision for a distance of 230.51 feet to a found iron pipe at the most northerly corner of Lot 43 in said Subdivision; thence South 47 degrees 03 minutes 49 seconds East along the northeasterly line of Lots 43 and 44 in said Subdivision for a distance of 326.53 feet to a found iron pipe at the most easterly corner of said Lot 44; thence continue South 47 degrees 03 minutes 49 seconds East for a distance of 99.23 feet to a point in the northerly line of Lot 45 in said Subdivision; thence South 74 degrees 38 minutes 55 seconds East along the northerly of said Lot 45 for a distance of 447.19 feet to the northeast corner of said Lot 45; thence South 05 degrees 55 minutes 26 seconds West along the east line of said Lot 45 for a distance of 35.00 feet to the southeast corner of said Lot 45; thence North 49 degrees 05 minutes 15 seconds East for a distance of 130.09 feet; thence North 60 degrees 50 minutes 47 seconds East for a distance of 345.91 feet; thence North 65 degrees 23 minutes 47 seconds East for a distance of 312.31 feet;

thence North 69 degrees 26 minutes 39 seconds East for a distance of 167.31 feet; thence South 76 degrees 42 minutes 21 seconds East for a distance of 116.17 feet; thence South 24 degrees 41 minutes 46 seconds East for a distance of 150.49 feet; thence South 51 degrees 52 minutes 21 seconds West for a distance of 252.85 feet; thence South 44 degrees 10 minutes 24 seconds West for a distance of 306.47 feet; thence South 26 degrees 44 minutes 14 seconds West for a distance of 86.05 feet; thence South 17 degrees 06 minutes 28 seconds East for a distance of 183.07 feet; thence South 64 degrees 23 minutes 48 seconds East for a distance of 1126.89 feet; thence South 00 degrees 27 minutes 47 seconds West for a distance of 103.93 feet to a point in an existing east west fence line; thence North 89 degrees 21 minutes 54 seconds East along said existing fence line for a distance of 1729.25 feet to the east line of the East Half of the Northeast Quarter of said Section 3; thence North 01 degree 04 minutes 43 seconds West along the east line of said East Half for a distance of 1895.70 feet

# Commissioner's Orders

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to the northeast corner of said East Half; thence South 89 degrees 59 minutes 44 seconds West along the north line of the Northeast Quarter of said Section 3 for a distance of 2632.50 feet to the northeast corner of the Northwest Quarter of said Section 3; thence continue South 89 degrees 59 minutes 44 seconds West along the north line of said Northwest Quarter for a distance of 1567.31 feet to the point of beginning.

Parcel 3:

That part of Lot 18 according to the plat of VALLEY HIGH ESTATES FIRST SUBDIVISION, on file and of record in the office of the Houston County Recorder's Office, lying northerly of the following described line:

Commencing at the northeast corner of said Lot 18; thence on a bearing based on the 1983 Houston County Coordinate System (1996 Adjustment), of South 00 degrees 34 minutes 15 seconds East 414.61 feet along the east line of said Lot 18 to a ¾ inch diameter rebar with a plastic cap stamped "MN DNR LS 17003" (DNR MONU) and the POINT OF BEGINNING; thence South 89 degrees 25 minutes 45 seconds West 191.36 feet to a DNR MONU on the west line of said Lot 18 and there terminating.

As shown on Exhibit "A".

containing 261 acres, more or less, are under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities Dry Bedrock Bluff Prairie (Southern) and Red Oak – White Oak – (Sugar Maple) Forest, and habitat for rare animal species, including species in greatest conservation need: milksnake (*Lampropeltis triangulum*), state special concern: North American racer (*Coluber constrictor*), state threatened: timber rattlesnake (*Crotalus horridus*) and lark sparrow (*Chondestes grammacus*); and rare plant species, including state endangered: tubercled rein-orchid (*Platanthera flava* var. *herbiola*), state special concern: plains wild indigo (*Baptisia bracteata* var. *leucophaea*), state endangered: narrow-leaved milkweed (*Asclepias stenophylla*), state special concern: goat's rue (*Tephrosia virginiana*), long-bearded hawkweed (*Hieracium longipilum*), and jeweled shooting star (*Dodecatheon amethystinum*); and plants indicative of high quality Dry Bedrock Bluff prairie flora, including: great plains ladies' tresses (*Spiranthes magnicamporum*), Leonard's skullcap (*Scutellaria leonardi*), cylindrical blazing star (*Liatrix cylindracea*), white camas (*Zigadenus elegans*), pasque flower (*Anemone patens*), lead plant (*Amorpha canescens*), yellow downy painted cup (*Castilleja sessiliflora*), and prairie dropseed (*Sporobolus heterolepis*);

and

**WHEREAS**, the most effective means by which such lands can be used and protected for educational and research purposes in such manner and by such means as will leave them conserved for future generations is by designation as a Scientific and Natural Area.

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97A.093, that the above-described lands are designated as the Mound Prairie Scientific and Natural Area.

**FURTHERMORE**, the Mound Prairie Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that Scientific and Natural Area Order no. 147 is hereby superseded.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the following uses will be permitted with such limitations as Commissioner determines are necessary for protection of the values for which the site was designated: dogs, and on Parcel 1 hunting during the legal open season.

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

# Commissioner's Orders



- STATE SCIENTIFIC AND NATURAL AREA LAND
- STATE FORESTRY LAND

THE ABOVE PARCEL OF LAND HAS NOT BEEN SURVEYED. THE OWNERSHIP LINES SHOWN ON THIS MAP ARE INTENDED TO SHOW GENERAL LOCATION AS THEY COME FROM A VARIETY OF SOURCES.

<b>MINNESOTA DEPARTMENT OF NATURAL RESOURCES</b>							
Survey:				DIVISION OF ECOLOGICAL AND WATER RESOURCES			
Drawn: OCT 2010 J.A. GUY				<b>EXHIBIT A</b>			
Checked: OCT 2010 B.W. SHEPPERD				<b>MOUND PRAIRIE</b>			
Horz Datum:				<b>SCIENTIFIC AND NATURAL AREA</b>			
Sec. 3 AND 34				HOUSTON COUNTY		NEAR HOKAH	
T.	N.	R. 5	W.	Req. 1553	File	SNA01059.00.00.01	File Sheet

# Commissioner's Orders

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## Department of Natural Resources (DNR)

### LaSalle Lake SNA Commissioner's Designation Order #216

**EFFECTIVE DATE:** June 27, 2011

**Statutory authority:** *Minnesota Statutes 84.033, 86A.05, Subd. 5 and 97A.093*

**WHEREAS**, certain lands in Hubbard County, Minnesota, described as:  
Government Lot 12, of Section 19, Township 145, Range 35, Hubbard County, Minnesota.

and

The Northeast Quarter of the Northeast Quarter; the Northwest Quarter of the Northeast Quarter, Government Lot 9 and those parts of Government Lots 2 and 3, the Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 30, Township 145, Range 35, Hubbard County, Minnesota lying north of the centerline of County State Aid Highway Number 9.

Subject to Hubbard County State Aid Highway No. 9 right-of-way, as referenced to the construction plans and right-of-way map of said Highway No. 9, Project No. S.A.P. 29-609-11, on file at the Hubbard County Highway Department in Park Rapids, Minnesota, and described in Document No. 222037, on file in the Office of the Recorder, Hubbard County, Minnesota.

Also subject to Township Road right-of-way along the westerly boundary of the above described parcel of land.

Also subject to an easement to Beltrami Electric Cooperative, as described in Book 179 of Deeds, page 793, on file in the Office of the Recorder, Hubbard County, Minnesota.

Containing 268.66 acres, more or less, are under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities, such as Jack Pine (bush honeysuckle) Woodland-Bracken Subtype, Willow-Dogwood Shrub Swamp, White Cedar Swamp (northcentral), Red Pine-White Pine Woodland-Balsam Fir Subtype, and Red Pine-White Pine Forest, which support the following rare plant and animal species: northern oak fern (*Gymnocarpium robertianum*), hair-like sedge (*Carex capillaris*), and two special concern species of caddisfly (*Oxyethira itascae*) and (*Oxyethira ecornuta*); and segments of LaSalle Creek and the Mississippi River with undisturbed natural shore;

and

**WHEREAS**, the most effective means by which such lands can be used and protected for educational and research purposes in such manner and by such means as will leave them conserved for future generations is by designation as a Scientific and Natural Area.

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97 A.093, that the above-described lands are designated as the LaSalle Lake Scientific and Natural Area.

**FURTHERMORE**, the LaSalle Lake Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the following uses will be permitted with such limitations as Commissioner determines are necessary for protection of the values for which the site was designated: hunting, fishing, trapping, access by watercraft, non-commercial berry-picking, dogs under control for hunting purposes during regular season, and dogs on leashes.

This order takes effect upon publication in the *State Register*:

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

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# Commissioner's Orders

## Department of Natural Resources (DNR)

### Savage Fen SNA Commissioner's Designation Order #217

**EFFECTIVE DATE:** June 27, 2011  
**Statutory authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093  
**Supersedes:** SNA Order # 132

**WHEREAS**, certain lands in Scott County, Minnesota, described as:

The Southwest Quarter of the Northwest Quarter ( SE ¼ NW ¼ ) of Section Seventeen (17), Township One Hundred Fifteen (115) North, Range Twenty-One (21) West, EXCEPT the west 329.43 feet (as measured along the north and south lines thereof).

and

The West 498 feet (as measured at right angles to the west line thereof) of the Northeast Quarter of the Northwest Quarter ( NE ¼ NW ¼ ) of Section Sixteen (16), Township One Hundred Fifteen (115) North, Range Twenty-one (21) West, EXCEPT the South 315 feet thereof.

and

Together with the right of ingress and egress, in common with others, for road purposes over and across the East 60 feet of the West 558 feet (as measured at right angles to the west line thereof of said Northeast Quarter of the Northwest Quarter, EXCEPT the South 315 feet thereof).

and

Subject to easements created by Documents No. 82129 filed July 24, 1954, in Book 130, pages 463-64, office of the county recorder, Scott County Minnesota; subject to easements granted in favor of Williams Pipeline Company by instrument date May 4, 1988. Subject to reservation for the benefit of Tract D, Registered Land Survey 81, Scott County, Minnesota, an easement forever. Subject to easement in favor of the City of Savage for sanitary sewers and other municipal utilities recorded January 24, 1979 in Scott County Recorder's Office as Document No. 167691. Subject to easement in favor of Northern States Power Company recorded February 2, 1962 in Book 153 of Deeds, page 478, Scott County Recorder.

and

The North 900 feet of the West 660 feet of the Southeast 1/4 of the Northwest 1/4 of Section 16, Township 115, Range 21, Scott County, Minnesota, EXCEPT the North 107 feet of the West 660 feet of the Southeast 1/4 of the Northwest 1/4.

and

Outlot C, SOUTHWOOD, according to the plat on file and of record in the office of the Registrar of Titles, Scott County, Minnesota.

and

That part of the Southeast Quarter of the Northwest Quarter of Section 16, Township 115 North, Range 21 West, Scott County, Minnesota, lying east of the West 660.00 feet, EXCEPT Maple Leaf Woods 1st Addition, Scott County, Minnesota.

and

The Southwest Quarter of the Northeast Quarter of Section 16, Township 115 North, Range 21 West, Scott County, Minnesota, EXCEPTING THEREFROM that part of the Southwest Quarter of the Northeast Quarter of Section 16, Township 115 North, Range 21 West, shown as Parcel 1 on Scott County Right of Way Plat No. 80 as the same is on file and of record in the offices of the County Recorder and the Registrar of Titles in and for Scott County, Minnesota.

and

That part of the Northwest Quarter of the Southeast Quarter of Section 16, Township 115 North, Range 21 West, Scott County, Minnesota, lying northerly of the centerline of County Road Number 16 (formerly State Highway Number 13) and easterly of the easterly line of the plat of Maple Leaf Woods 1st Addition, EXCEPTING THEREFROM that part of the Northwest Quarter of the Southeast Quarter of Section 16, Township 115 North, Range 21 West, shown as Parcel 1 on Scott County Right of Way Plat No. 80 as the same is on file and of record in the offices of the County Recorder and the Registrar of Titles in and for Scott County, Minnesota.

and

# Commissioner's Orders

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That part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 115 North, Range 21 West, Scott County, Minnesota described as follows:

Commencing at the northwest corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 00 degrees 06 minutes 24 seconds East along the west line of said Southeast Quarter of the Northeast Quarter 579.72 feet to the POINT OF BEGINNING; thence North 89 degrees 39 minutes 32 seconds East 72.17 feet to the center line of Quentin Avenue; thence South 02 degrees 34 minutes 32 seconds East along said center line and its extension 701.76 feet to a point on the south line of said Southeast Quarter of the Northeast Quarter 102.43 feet east of the southwest corner of said Southeast Quarter of the Northeast Quarter; thence westerly along said south line 102.43 feet to said southwest corner; thence northerly along said west line to the point of beginning.

EXCEPTING THEREFROM that part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 115 North, Range 21 West, shown as Parcel 1 and 2 on Scott County Right of Way Plat No. 80 as the same is on file and of record in the offices of the County Recorder and the Registrar of Titles in and for Scott County, Minnesota.

containing 111.49 acres, more or less, are under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities, such as Calcareous Fen (Southeastern), Seepage Meadow/Carr, Elm-Basswood-Black Ash-(Hackberry) Forest, Sugar Maple-Basswood-(Bitternut Hickory) Forest, which supports the following rare plant and animal species: valerian (*Valeriana edulis ciliata*), small white lady's-slipper (*Cypripedium candidum*), twig-rush (*Cladium mariscoides*), sterile sedge (*Carex sterilis*), hair-like beak-rush (*Rhynchospora capillacea*), false asphodel (*Tofieldia glutinosa*), and hooded warbler (*Wilsonia citrina*);

and

**WHEREAS**, the most effective means by which such lands can be used and protected for educational and research purposes in such manner and by such means as will leave them conserved for future generations is by designation as a Scientific and Natural Area.

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97 A.093, that the above-described lands are designated as the Savage Fen Scientific and Natural Area.

**FURTHERMORE**, the Savage Fen Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that Scientific and Natural Area Order no. 132 is hereby superseded.

**IT IS FURTHER ORDERED** that the provisions of *Minn. Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the following uses will be permitted with such limitations as Commissioner determines are necessary for protection of the values for which the site was designated: fishing, hunting by archery and other special hunts, and the construction by the City of Savage (or its designee) of a non-motorized trail for use by bicycles and pedestrians on a specified alignment, and dogs on leashes and picnicking within the trail corridor in conjunction with use of a constructed trail.

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

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# Commissioner's Orders

## Department of Natural Resources (DNR)

### Morton Outcrops SNA Commissioner's Designation Order #218

EFFECTIVE DATE:

June 27, 2011

Statutory authority:

Minnesota Statutes 84.033, 86A.05, Subd. 5 and 97A.093

**WHEREAS**, certain lands in Redwood County, Minnesota, described as:

Lots four (4) and Five (5), Block One (1), of Centennial Addition to the City of Morton,

EXCEPT all that part of Lot 4, Block 1 of Centennial Addition to the City of Morton, Minnesota and of Outlot 1 of the SW ¼ of NW ¼ of said Section 31 and of Lot 4 of Lot 3 in Outlot 1 in the SE ¼ of NW ¼ of said Section 31, described as follows: Beginning at the southeasterly corner of said Lot 4, being also the northerly corner of said Lot 4 of Lot 3' in Outlot 1; thence South 30°25' East along the Southerly right-of-way line of Centennial Drive for 120.00 feet; thence South 59°35' West for 60.00 feet; thence North 30°25' West for 120.00 feet; thence North 59°35' East for 60 feet to the point of beginning;

AND EXCEPT that part shown as Parcel No. 224 on Minnesota Department of Transportation Right of Way Plat Numbered 65-12 as the same is on file and of record in the office of the County Recorder in and for Renville County, Minnesota.

containing 14.7 acres, more or less, is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain an outcrop of nationally significant Morton Quartz Monzonite Gneiss which supports the Crystalline Bedrock Outcrop (Prairie) Minnesota River Subtype plant community with habitat for rare species including rock spikemoss (*Selaginella rupestris*), small-flowered fameflower (*Talinum parviflorum*), little barley (*Hordeum pusillum*), Carolina geranium (*Geranium carolinianum*), and brittle cactus (*Opuntia fragilis*), 40 species of mosses and lichens, including the state-listed endangered lichen *Buellia nigra*, and ephemeral pools with habitat for rare species including ovoid spikerush (*Eleocharis ovata*), Carolina foxtail (*Alopecurus carolinianus*), and flattened spikerush (*Eleocharis compressa*), and Forget-me-not (*Myosotis verna*) along pool margins; Mesic Prairie (Southern) supporting a population of federal- and state-listed threatened species prairie bush-clover (*Lespedeza leptostachya*), special concern Arogos skipper (*Atrytone arogos*), state special concern regal fritillary (*Speyeria idalia*) and its host plant, prairie violet (*Viola palma*).

and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033, 86A.05, subd. 5, 97A.093, that the above-described lands are designated as the Morton Outcrop Scientific and Natural Area.

**FURTHERMORE**, the Morton Outcrop Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the following uses are allowed with such limitations as necessary to ensure protection of the resources for which the Scientific and Natural Area is designated: an existing pedestrian and bicycle trail within an access easement retained by the Minnesota Valley History; and a Minnesota Valley History Learning Center and SNA cultural-ecological rustic interpretive trail and associated facilities for pedestrian use only including interpretive and direction signage along a specified alignment.

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

# Commissioner's Orders

## Department of Natural Resources (DNR)

### Two Rivers Aspen Parkland SNA Commissioner's Designation Order #219

**EFFECTIVE DATE:** June 27, 2011  
**Statutory authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093  
**Supersedes:** SNA Order # 155

**WHEREAS**, certain lands in Roseau County, Minnesota, described as:

The East Half of the Southwest Quarter (E 1/2 SW 1/4) and the Southeast Quarter (SE 1/4) of Section Seventeen (17); the Northeast Quarter (NE 1/4) of Section Thirty (30); the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Thirty (30); the North Half of the Northeast Quarter (N 1/2 NE 1/4) LESS the South 10-1/2 rods of the East 30 rods of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and the North Half of the Northwest Quarter (N 1/2 NW 1/4) of Section Twenty-nine (29); the Northeast Quarter (NE 1/4); the East Half of the Northwest Quarter (E 1/2 NW 1/4) and the Southwest Quarter (SW 1/4) of Section Twenty (20); the Southeast Quarter (SE 1/4) of Section Nineteen (19); the East Half of the Northwest Quarter (E 1/2 NW 1/4) and Lots 1 and 2 of Section Nineteen (19);

and

Government Lot 2, Section Thirty (30);

ALL IN Township One Hundred Sixty (160) North; Range Forty-four (44) West.

Mineral reservation In favor of State of Minnesota.

Containing 1394.15 acres, more or less, are under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities, such as Aspen Openings (Northern), Wet Brush-Prairie (Northern), and Mesic Brush Prairie (Northern) which support the following rare plant and animal species: state special concern species powesheik skipper (*Oarisma powesheik*), yellow rail (*Coturnicops noveboracensis*), Nelson's sparrow (*Ammodramus nelsoni*), northern gentian (*Gentiana affinis*); and state tracked species of upland sandpiper (*Bartramia longicauda*) and hair-like sedge (*Carex capillaris*);

and

**WHEREAS**, the most effective means by which such lands can be used and protected for educational and research purposes in such manner and by such means as will leave them conserved for future generations is by designation as a Scientific and Natural Area.

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97 A.093, that the above-described lands are designated as the Two Rivers Aspen Parkland Scientific and Natural Area.

**FURTHERMORE**, the Two Rivers Aspen Parkland Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that Scientific and Natural Area Order no. 155 is hereby superseded.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the following uses will be permitted with such limitations as Commissioner determines are necessary for protection of the values for which the site was designated: dogs and public hunting during the open season subject to all applicable laws and regulations, and an existing snowmobile trail on a specified alignment.

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011



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# Commissioner's Orders

## Department of Natural Resources (DNR)

### Blanket Flower Prairie SNA Commissioner's Designation Order #220

**EFFECTIVE DATE:** June 27, 2011  
**Statutory authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093  
**Supersedes:** SNA Order # 196

**WHEREAS**, certain lands in Clay County, Minnesota, described as:

The North Half of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the Southwest Quarter of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter, and the North 650.00 feet of the Southeast Quarter of the Northwest Quarter of Section 14, Township 137 North, Range 44 West, Clay County, Minnesota;

and

The Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter, Section 14, Township 137 North, Range 44 West, Clay County, Minnesota, lying northerly of the existing Township Road (also designated as 147<sup>th</sup> Avenue South);

ALSO, The South Half of the South Half of Section 11, Township 137 North, Range 44 West;

containing 428.27, more or less, acres is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities including high-quality native Dry Sand-Gravel Prairie (Southern) and habitat for rare plant and animal species including blanket flower (*Gaillardia aristata*), Hill's thistle (*Cirsium hillii*), greater prairie chicken (*Tympanuchus cupido*), and regal fritillary (*Speyeria idalia*);

and

**WHEREAS**, the most effective means by which such lands can be used and protected for educational and research purposes in such manner and by such means as will leave them conserved for future generations is by designation as a Scientific and Natural Area.

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97 A.093, that the above-described lands are designated as the Blanket Flower Prairie Scientific and Natural Area.

**FURTHERMORE**, the Blanket Flower Prairie Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that Scientific and Natural Area Order no. 196 is hereby superseded.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the following uses will be permitted with such limitations as Commissioner determines are necessary for protection of the values for which the site was designated.

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

# Commissioner's Orders

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## Department of Natural Resources (DNR)

### Hastings Sand Coulee SNA Commissioner's Designation Order #221

**EFFECTIVE DATE:** June 27, 2011  
**Statutory authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093  
**Supersedes:** SNA Order # 201

**WHEREAS**, certain lands in Dakota County, Minnesota, described as:

The West Half of the Southeast Quarter of Section 11, Township 114 North, Range 17 West, EXCEPTING THEREFROM all that part of the West Half of the Southeast Quarter of Section 11, Township 114 North, Range 17 West, lying Northerly and Easterly of State Trunk Highway Number 316.

and

That part of Outlot B of Sand Coulee Estates, described as follows: Commencing at the northeast corner of said Outlot B; thence South 0°03'27" East, bearing assumed, along the east line of said Outlot B, a distance of 465.00 feet to the point of beginning of the land to be described; thence South 0°03'27" East, along said east line, a distance of 475.38 feet; thence West a distance of 618.49 feet to the west line of said Outlot B; thence North 0°00'06" West, along said west line, a distance of 475.38 feet to its intersection with a line bearing West from the point of beginning; thence East a distance of 618.03 feet to the point of beginning, according to the plat thereof now on file and of record in the office of the County;

and

The East half of the Northwest Quarter of Section 2, Township 114, Range 17, except approximately 2.2 acres identified as the Hastings State Hospital Cemetery;

and

The West half of the Northeast Quarter of Section 2, Township 114, Range 17,

and

Outlot D, South Pines, Dakota County, Minnesota, according to the recorded Plat thereof.  
Outlot A, South Pines 3, Dakota County, Minnesota, according to the recorded plat thereof.

and

containing 267.27 acres, more or less, is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain Dry Sand-Gravel Prairie (Southern) and Dry Sand-Gravel Oak Savanna and habitat for rare animal species, including blue racer (*Coluber constrictor*), eastern fox snake (*Elaphe vulpine*), gopher snake (*Pituophis catenifer*), state threatened ottoe skipper (*Hesperia ottoe*), and state special concern regal fritillary (*Speyeria idalia*), and rare plant species, including sea-beach needle grass (*Aristida tuberculosa*), clasping milkweed (*Asclepias amplexicaulis*), state threatened kittentails (*Besseyia bullii*), state endangered James' polanisia (*Cristatella jamesii*), long-bearded hawkweed (*Hieracium longipilum*); state endangered narrow-leaved pinweed (*Lechea tenuifolia*), old field flaxtoad (*Linaria canadensis*), rhombic-petaled evening primrose (*Oenothera rhombipetala*), and clustered broomrape (*Orobanche fasciculata*);

and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033, 86A.05, subd. 5, 97A.093, that the above-described lands are designated as the Hastings Sand Coulee Scientific and Natural Area.

**FURTHERMORE**, the Hastings Sand Coulee Scientific and Natural Area is designated as a Public Use unit, open to the public for

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# Commissioner's Orders

nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that Scientific and Natural Area Order no. 201 is hereby superseded.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area except an existing snowmobile trail is allowed to run along a specified alignment within Hastings Sand Coulee Scientific and Natural Area with such limitations as necessary to ensure protection of the resources for which the Scientific and Natural Area is designated; and except the City of Hastings is allowed to retain and manage their stormwater management pond and accessway within the perpetual drainage, utility, and access easement granted to the City.

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

## Department of Natural Resources (DNR) Blaine Preserve SNA Commissioner's Designation Order #222

**EFFECTIVE DATE:** June 27, 2011  
**Statutory authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5 and 97A.093

**WHEREAS**, certain lands in Anoka County, Minnesota, described as: Outlots A and J, Blaine Preserve Business Park

containing 63 acres, more or less, is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain Graminoid Rich Fen (Basin) of outstanding biodiversity significance with rare plant species, including state endangered cross-leaved milkwort (*Polygala cruciata*), twisted yellow-eyed grass (*Xyris torta*), tubercled rein-orchid (*Platanthera flava* var. *herbiola*) and tall nut-rush (*Sceleria triglomerata*), and state threatened lance-leaved violet (*Viola lanceolata*) and St. Lawrence grapefern (*Botrychium rugulosum*), state special concern autumn fimbriatylis (*Fimbristylis autumnalis*), marginated rush (*Juncus marginatus*), Clinton's bulrush (*Scirpus clintonii*), and non-listed spiked needlegrass (*Aristida longespica* var. *geniculata*), stipuled blackberry (*Rubus stipulatus*), Missouri blackberry (*Rubus missouricus*), and purple false foxglove (*Agalinis purpurea*);

and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033, 86A.05, subd. 5, 97A.093, that the above-described lands are designated as the Blaine Preserve Scientific and Natural Area.

**FURTHERMORE**, the Blaine Preserve Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area.

This order takes effect upon publication in the *State Register*.

David R. Schad, Deputy Commissioner  
Department of Natural Resources  
June 20, 2011

# Official Notices

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

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

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## Department of Human Services (DHS) Continuing Care Administration Public Notice Regarding Payment Rate Change Affecting a Nursing Facility Participating in the Medical Assistance Program

**NOTICE IS HEREBY GIVEN** to recipients, providers of services under the Medical Assistance Program, and to the public, of a certain statutory change affecting a payment rate change for a nursing facility participating in the Medical Assistance Program that the 2011 Minnesota Legislature enacted during the regular session.

This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish final institutional payment rates, the methodologies underlying the establishment of such rates and the justification for such rates. It is also published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR §447.205), which requires publication of a notice when there is a proposed rate change in the methods and standards for setting payment rates for Medical Assistance services.

The change to the nursing facility rate-setting system was proposed in the 2011 regular legislative session. The Minnesota Legislature considered the proposed change, gathered information, and held public hearings at which nursing facility residents’ advocates, trade associations, providers, facility employee union representatives, and the general public was invited to attend. The legislature considered the public’s input and enacted legislation changing the rate-setting system as follows:

Effective November 1, 2010, a 137-bed nursing facility in Bloomington is allowed to increase its moratorium-exception project rate adjustment from \$14.42 to \$19.33 with money available for moratorium projects under *Minnesota Statutes*, §144A.073, subdivision 11. *Minnesota Laws 2011*, Chapter 22, Article 1, Section 6.

Information on the nursing facility rate change is available from Marilyn Kaufenberg, Department of Human Services, Nursing Facility Rates and Policy, Post Office Box 64973, St. Paul, Minnesota, 55164-0973; **phone:** (651) 431-2270 or **e-mail:** [Marilyn.kaufenberg@state.mn.us](mailto:Marilyn.kaufenberg@state.mn.us)

**Department of Human Services (DHS)  
Health Care Purchasing and Delivery Systems Division  
Health Care Administration  
Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient  
Prescribed Drugs**

**NOTICE IS HEREBY GIVEN** to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: 1) the federal or state MAC, plus a dispensing fee; 2) the submitted usual and customary charge to the general public; or 3) a discount off of average wholesale price, plus a dispensing fee.

No earlier than June 28, 2011 the Department may add the following outpatient prescribed drugs to the state MAC list:

**Drug Name**

LEVOFLOXACIN

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$500.00 for State Fiscal Year 2010 (July 1, 2010 through June 30, 2011).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to:

Pharmacy Program Manager Sara Drake R.Ph.  
Health Services and Medical Management Division  
Health Care Administration  
Minnesota Department of Human Services  
P.O. Box 64984  
St. Paul, Minnesota 55164-0984

**State Board of Investment  
Notice to Institutional Investment Management Firms for Consideration to  
Potentially Manage a Portion of the Pension Assets and Other Accounts**

The Minnesota State Board of Investment (MSBI) retains institutional investment management firms to manage a portion of the pension assets and other accounts under its control. Periodically, the MSBI will conduct a search for institutional investment management firms on an as needed basis. For additional information on the domestic stock, international stock, or domestic bond portfolio programs for the MSBI, firms are asked to write to the following address for additional information:

External Manager Program  
Minnesota State Board of Investment

# Official Notices

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60 Empire Drive, Suite 355  
St. Paul, MN 55103-3555  
**Telephone:** (651) 296-3328  
**Fax:** (651) 296-9572  
**E-mail:** [minn.sbi@state.mn.us](mailto:minn.sbi@state.mn.us)

Please refer to this notice in your written request.

## Metropolitan Council

### Notice of Public Hearing on Adoption of Public Housing Agency Plan for the Section 8 Program

The Metropolitan Council's Community Development Committee will conduct a public hearing to receive public comment on the proposed 2012 Public Housing Agency (PHA) Plan.

The PHA Plan is a comprehensive guide to public housing agency policies, programs, operations and strategies for meeting local housing needs and goals. It is submitted with specific attachments and within specific timeframes and according to the format required by the US Department of Housing and Urban Development (HUD).

The Section 8 Administrative plan is an attachment to the PHA Plan.

The public hearing will be held:

- 4:30 p.m., Monday, August 15, 2011, CDC Meeting
- Metropolitan Council, Council Chambers
- 390 Robert St., St. Paul, MN 55101

The Housing Agency Plan is available for public review at the HRA administrative offices located at 390 Robert St., in St. Paul, and on the Metropolitan Council's website at [www.metrocouncil.org](http://www.metrocouncil.org). All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Sue Putz at (651) 602-1584 or TTY at (651) 291-0904. Upon request, the Council will provide a reasonable accommodation to persons with disabilities. In addition to speaking at the hearing, comments may be made in the following ways:

- Send comments to: Sue Putz, Metro HRA, 390 Robert St., St. Paul, MN 55101
- Fax comments to: Sue Putz at (651) 602-1313
- Send comments electronically to: [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)
- Record comments on the Council's Public Comment Line: (651) 602-1500
- TTY: (651) 291-0904
- Comments must be received by 4:30 p.m., Monday, August 15, 2011.

## Minnesota Department of Public Safety (DPS)

### Driver and Vehicle Services Division

#### Request for Comments on Possible Amendments to Rules Governing Driver's License Information, Licensing, and Testing for the Issuance of Enhanced Driver's Licenses and Enhanced Identification Cards, *Minnesota Rules*, Parts 7410.0100, 7410.0400, and 7410.0410.

**Subject of Rules.** The Minnesota Department of Public Safety requests comments on its possible amendments to rules governing driver's license information, licensing, and testing. The department is considering amending *Minnesota Rules*, parts 7410.0100, 7410.0400,

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## Official Notices

and 7410.0410, for the issuance of enhanced driver's licenses and enhanced identification cards. This is a driver's license or identification card that can also be used as a cross-border travel document to reenter the United States from Canada, Mexico or the Caribbean by land and sea. It denotes both identity and citizenship in accordance with the federal Western Hemisphere Travel Initiative.

**Persons Affected.** The amendments to the rules would likely affect Minnesota residents who are also U.S. citizens.

**Statutory Authority.** *Minnesota Laws 2010*, chapter 316, section 17 authorizes and directs the Commissioner of Public Safety to adopt rules so that an applicant for an enhanced driver's license or enhanced identification card must prove United States citizenship and otherwise comply with applicable requirements of *Minnesota Statutes*, section 171.06, subdivision 3.

**Public Comment.** Interested persons or groups may submit comments or information on this possible rule in writing until further notice is published in the *State Register* that the department intends to adopt or to withdraw the rule. The department does not contemplate appointing an advisory committee to comment on the possible rules.

**Rule Draft.** The department has not prepared a draft of the possible rule amendments.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rule, and requests for more information on this possible rule should be directed to: Jacqueline Cavanagh, Department of Public Safety, Driver and Vehicle Services Division, 445 Minnesota Street, Suite 195, St. Paul, Minnesota 55105-5195, **phone** (651) 205-4158, **e-mail** at: [DVS.Rules@state.mn.us](mailto:DVS.Rules@state.mn.us). **TTY** users may call the department at (651) 282-6555.

**Alternative Format.** Upon request, this Request for Comment can be provided in an alternative format such as large print, Braille, audio compact disc, or other electronic media. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Potential Government Shutdown.** The department intends to respond in a timely manner to all comments and inquiries unless the department experiences an interruption to its operations due to a lack of appropriations for fiscal year 2012. In that event, interested parties are encouraged to submit written comments, leave a voice message, or send an electronic mail message to the telephone number or electronic mail or physical address provided. The department will respond to all inquiries and comments when operations resume.

**NOTE:** If the department initiates a proceeding to adopt the rule, it will not necessarily include comments received in response to this notice in the formal rulemaking record that is submitted to the administrative law judge. The agency is required to submit to the judge only those written comments received in response to the rule after it is proposed. If you submit comments during the development of the rule and wish to ensure that the administrative law judge reviews them, you must resubmit the comments after the rule is formally proposed.

Dated: June 27, 2011

Ramona L. Dohman, Commissioner  
Department of Public Safety

## Minnesota Public Utilities Commission (PUC) Notice of Filing and Public Comment Period in the Matter of Northern States Power Company d/b/a Xcel Energy for a Certificate of Need for approximately 450 MW of Incremental Capacity for the Black Dog Generating Plant Repowering Project in Dakota County Public Utilities Docket No: E-002/CN-11-184

**NOTICE IS HEREBY GIVEN** that on March 15, 2011 Northern States Power Company d/b/a Xcel Energy (Xcel, the Applicant) filed a certificate of need application with the Minnesota Public Utilities Commission (Commission) for the Black Dog Repowering project. The Project consists of replacing the remaining coal-fired generating Units 3 & 4 at the Plant with about 700 MW of natural gas-fired, combined cycle generation located in what is now the coal storage yard.

The proposed generation station is a "large energy facility" under *Minnesota Statutes* § 216B.2421, Subd. 2 (1) because it has a capacity  
(Cite 35 SR 2043) *State Register*, Monday 27 June 2011 **Page 2043**

# Official Notices

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of 50,000 kW or greater. In accordance with *Minnesota Statutes* § 216B.243, Subd. 2, the facility cannot be constructed or sited in Minnesota unless the Commission issues a certificate of need to the Applicant. The certificate of need rules pertaining to the review of this filing are in *Minnesota Rules* Chapter 7849. On May 25, 2011 the Commission issued an Order which accepted the Application as of receipt of a supplemental filing. Xcel filed the supplement on June 14, 2010. Therefore, the Application is considered complete as of June 14, 2011. The Order also noted the apparent absence of disputed material facts and directed an informal review process under Minn. Rules 7829.1200. All documents associated with the need application can be viewed at: [www.puc.state.mn.us](http://www.puc.state.mn.us) by clicking "Search eDockets" then enter the "year" (11) and the "docket number" (184).

Interested persons are encouraged to provide written comments on the need application and whether the proposed project is needed and in the public interest. The Commission is particularly interested in whether there are any contested issues of fact with respect to the representations made in the application. Initial comments should be filed by **Monday, August 15, 2011** and reply comments by **Friday, September 16, 2011**. Comments should be filed electronically via the eDockets system at: <https://www.edockets.state.mn.us/EFiling> and be addressed to Burl Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 - 7th Place East, Suite 350, St. Paul, MN 55101-2147.

All correspondence should reference the Certificate of Need Docket Number (11-184).

Questions on the Hiawatha certificate of need application may be directed to staff members Bret Eknes at (651) 201-2236, or e-mail at: [bret.eknes@state.mn.us](mailto:bret.eknes@state.mn.us) or Tricia DeBleekere at (651) 201-2254, or by e-mail at: [tricia.debleeckere@state.mn.us](mailto:tricia.debleeckere@state.mn.us).

## Office of the Secretary of State of Minnesota REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Absentee and Mail Ballots, *Minnesota Rules*, chapter 8210

**Subject of Rules.** The Office of the Secretary of State of Minnesota requests comments on its possible amendment to rules governing absentee and mail ballots. The Office is considering rules amendments that make small changes to the text, formatting and layout of the absentee and mail ballot envelopes and instructions to accomplish the following: clarify which fields are required, clarify that witnesses who are not public officials or notaries must list a street address in Minnesota, inform voters how to check on the status of their absentee ballot, revise the confidentiality notice on the instructions and require election officials to label the transmittal envelope for replacement ballots as such. The Office is also considering changes to the rules governing presidential-only absentee balloting to conform to previous rule and statutory changes to absentee balloting.

**Persons Affected.** The amendment to the rules would likely affect absentee and mail voters and county auditors, election directors and municipal clerks who administer absentee and mail voting.

**Statutory Authority.** *Minnesota Statutes*, sections 203B.08, 203B.09 and 203B.125 authorize the Secretary of State to adopt rules for absentee ballots, and they state, in relevant part:

### **203B.08: Subd. 4. Rules.**

The secretary of state shall adopt rules establishing procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section.

### **203B.09:**

The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of blank applications for absentee ballots, absentee voter lists, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes, and directions for casting an absentee ballot. Any official charged with the duty of printing any of these materials shall do so in accordance with these rules.

### **203B.125**

The secretary of state shall adopt rules establishing methods and procedures for issuing ballot cards and related absentee forms to be



used as provided in section 203B.08, subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under section 204C.20,

*Minnesota Statutes*, section 204B.45 authorizes the Secretary of State to adopt rules for mail balloting and states, in relevant part:

**Subd. 3. Election Law applied; rules.**

The Minnesota Election Law is applicable to mail balloting except as provided by this section or by rules adopted by the secretary of state, but only paper ballots may be used. The secretary of state shall adopt rules for the conduct of mail balloting, including instructions to voters, procedures for challenge of voters, public observation of the counting of ballots, and procedures for proper handling and safeguarding of ballots to ensure the integrity of the election.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on August 26, 2011. The Office will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments.. The Office does not plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** The Office has not yet drafted the possible amendments and does not anticipate that a draft of the amendments will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Bert Black at Office of the Secretary of State, 180 State Office Building, 100 Rev. Martin Luther King, Jr. Boulevard, Saint Paul MN 55155, **phone:** (651) 201-1326, fax: (651) 215-0682, **e-mail:** [Bert.Black@state.mn.us](mailto:Bert.Black@state.mn.us). **TTY** users may call the Office by calling the MN Relay Service at 711.

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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

Dated: June 22, 2011

Mark Ritchie  
Secretary of State

## Minnesota Sentencing Guidelines Commission Notice of Public Hearing to Consider Modifications to the Sentencing Guidelines

The Minnesota Sentencing Guidelines Commission will hold a Public Hearing on Thursday, July 21, 2011, at 2:00 p.m. in Room 112, at the State Capitol Building, 75 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. The public hearing is being held to consider proposed modifications to the sentencing guidelines and commentary resulting from new and amended legislation and non-legislative modifications to the sentencing guidelines and commentary.

Copies of the proposed modifications are available free of charge on the agency's website at: [www.msgc.state.mn.us](http://www.msgc.state.mn.us) or by contacting the Minnesota Sentencing Guidelines Commission at 321 Grove Street, Suite 103, St. Paul, MN 55101, or by calling Voice: (651) 296-0144. Deaf/Hard of Hearing/Speech Impaired Only TTY users may call this agency through the MN Relay Service: 1 (800) 627-3529; ask for (651) 296-0144. If you need special accommodations to attend, please contact the Minnesota Sentencing Guidelines Commission as soon as possible. This notice is available in alternative formats upon request.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission's office at the above address/telephone number.

# Official Notices

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The Commission will hold the record open for five days after the public hearing to accept written comment. On Thursday, July 28, 2011, the Commission will meet at 2:00 p.m. at the Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108, to formally adopt or reject the proposed modifications. Modifications become effective August 1, 2011, if adopted.

In the event of a State of Minnesota government shutdown, the sentencing guidelines office will be closed until the budget situation is resolved. Please take notice that should the shutdown continue to remain in effect as of July 21, 2011, the scheduled public hearing and July 28, 2011, follow-up Commission meeting will be cancelled; please consult the agency's website at [www.msgc.state.mn.us](http://www.msgc.state.mn.us), for alternate public hearing date and follow-up Commission meeting date, if this should occur.

For general information about the shutdown, please visit BeReadyMN at: [www.bereadymn.com/2011-contingency-planning](http://www.bereadymn.com/2011-contingency-planning).

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

### 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 two (2) years effective January 4, 2010 until January 3, 2012:

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 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

**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 March 25, 2011 until March 25, 2014:

Philip Joseph Franklin, Leesburg, VA  
Franklin Drywall Inc. and its affiliates, Little Canada, MN  
Master Drywall Inc. and its affiliates, Little Canada, 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 Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

## Funding

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

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

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

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us)

## Minnesota Department of Human Services (DHS)

### Health Care Administration

### Notice of Request for Proposals (RFP) to Provide Innovative Forms of Health Care Delivery under Alternative Payment Arrangements to Medical Assistance (MA) and MinnesotaCare Enrollees

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals for the purpose of delivering health care services to Medical Assistance (MA) and MinnesotaCare enrollees under alternative payment arrangements through the Health Care Delivery Systems (HCDS) Demonstration.

The projected service begin date is January 1, 2012.

Proposals submitted in response to the RFP in this notice must be sent to:

Request for Proposal Response  
Health Care Administration  
Attention: Ross Owen – 0984  
Department of Human Services  
444 Lafayette Road North  
St. Paul, MN 55155

This is the only person designated to answer questions by potential responders regarding this request. Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, August 19, 2011. Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered. The RFP can be viewed by visiting the Department of Human Services RFP website after 12 noon on Thursday, June 30, 2011 at [http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102).

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

# State Grants & Loans

## Department of Public Safety (DPS)

### Office of Justice Programs

#### Notice of Application for Funding from the Bureau of Justice Assistance

The Office of Justice Programs is submitting an application to the Bureau of Justice Assistance, Office of Justice Programs, U. S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The purpose of the JAG program is to reduce or prevent crime by providing support to all components for the criminal justice system. JAG funded projects may address crime through provision of direct services and by improving the effectiveness and efficiency of the criminal and juvenile justice systems, processes and procedures. Those wishing to comment on the application may contact Jeri Boisvert at the Department of Public Safety, telephone number (651) 201-7305 or e-mail: [Jeri.Boisvert@state.mn.us](mailto:Jeri.Boisvert@state.mn.us). The application will be posted online at [www.dps.mn.us/divisions/ojp](http://www.dps.mn.us/divisions/ojp)

## State Contracts

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

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

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

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

## Projects Open for Bid

The state spends about \$2 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 each 1/10 of a page, you cannot go wrong.

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:

- **Word Search Capability**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
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Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us)

**Department of Administration (Admin)****Real Estate and Construction Services****Notice of Request for Qualifications (RFQ), Fee Schedule and Addenda 1-2 for Professional Services of Minnesota Registered Architects, Engineers, Interior Designers, Land Surveyors, Landscape Architects, Geoscientists, and Owners Representatives**

The Department of Administration, Real Estate and Construction Services ("State"), requests qualifications of Minnesota registered architects, engineers, interior designers, land surveyors, geoscientists, and Owners Representatives ("Consultant") to assist the State in providing studies, predesigns, design through construction documents, construction administration, post construction services, interior design, land surveys, geosciences, and project related professional services through 6/30/2013. These projects will be varied in nature and scope and will involve new construction and remodeling, which includes but is not limited to buildings, commissioning, bridges, parking structures, site and utility work, roadways, and land development.

Unless otherwise provided in *Minnesota Statutes* § 16B.33, the following guidelines apply when using the Master Roster. State agency construction projects requiring a primary designer will have an estimated cost of construction of no greater than \$2,000,000.00; or a study, report, or predesign for a state agency planning project will have a consultant estimated fee no greater than \$200,000.00. Higher education construction projects requiring a primary designer will have an estimated cost of construction of no greater than \$2,000,000.00; and a study, report or predesign for a planning project will have a consultant estimated fee no greater than \$200,000.00. Primary Designers for projects to construct, erect, or remodel a building with an estimated cost in excess of these amounts will be selected by the State Designer Selection Board in accordance with *Minnesota Statutes* § 16B.33.

The Request for Qualifications document may be found online at <http://www.admin.state.mn.us/recs/cs/cs-sa.html>. Copies of the RFQ may also be requested from:

Contracts Officer  
Real Estate and Construction Services  
309 Administration Building, 50 Sherburne Avenue  
St. Paul, MN 55155  
**Phone:** (651) 201-2550

The Request for Qualifications and Fee Schedule will remain open continually to enable individuals and firms not currently on the Roster to submit their qualifications and fee schedules. One year after a completed response is added to the Master Roster, the firm may be asked whether it wants to remain on the roster. If the responder wants to continue to remain on the roster, it will be able to update its fee schedule, and will be required to submit updated written documents. If no response is received within 30 days of the notice, the responder's name will be removed from the Master Roster until such time as it has re-submitted a complete response to the RFQ.

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

**Minnesota State Colleges and Universities (MnSCU)****Office of the Chancellor****Notice of Request for Immigration Services (Systemwide)**

**NOTICE IS HEREBY GIVEN** that the Minnesota State Colleges and Universities (MnSCU) System is requesting proposals for employer immigration services such as: LCA and H-1B initial petitions and extension filings; PERM labor certification applications; TN petitions and periodic assistance on related employer matters. MnSCU anticipates contracting with up to three professional immigration service providers; the initial contract term is three years.

Mailed proposals are due by July 18, 2011, and shall be addressed to: Kristine Kaplan, Minnesota State Colleges and Universities Office of the Chancellor, Office of General Counsel, 30 - 7<sup>th</sup> St. E., Suite 350, St. Paul, MN 55101-7804. Late proposals will not be considered. Fax or e-mailed proposals will not be considered. To receive a copy of the full RFP, please contact Vicki Schoenbeck at: [Vicki.Schoenbeck@so.mnscu.edu](mailto:Vicki.Schoenbeck@so.mnscu.edu). For questions regarding the RFP, contact Kristine Kaplan at: [Kristine.kaplan@so.mnscu.edu](mailto:Kristine.kaplan@so.mnscu.edu).

# State Contracts

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Minnesota State Colleges and Universities is not obligated to complete the proposed contract and reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota State Colleges and Universities (MnSCU) Hennepin Technical College Request for Bid Sought for Audio Visual Systems for Cafeteria Remodel

Hennepin Technical College is requesting bids for Audio Visual Systems to be installed and programmed in the cafeterias at Brooklyn Park and Eden Prairie campuses. This is part of the cafeteria remodel project.

Details regarding the RFB can be obtained from Pauline Arnst, Hennepin Technical College, 13100 College View Drive, Eden Prairie, MN 55347 or at (952) 995-1445 or via **e-mail**: [pauline.arnst@hennepintech.edu](mailto:pauline.arnst@hennepintech.edu)

Sealed bids must be received no later than **Wednesday, July 6, 2011 at 2:00 PM**. Hennepin Technical College reserves the right to reject all bids.

Hennepin Technical College is a member of the Minnesota State Colleges and Universities System.

## Minnesota State Colleges and Universities (MnSCU) Rochester Community and Technical College Advertisement for Sealed Bids for AHU-1 Condensing Unit and Cooling Coil Replacement

**Sealed Bids for:** AHU-1 Condensing Unit & Cooling Coil Replacement  
Heintz Center – C Wing  
Rochester Community & Technical College  
Rochester, MN 55904-4999

**will be received by:** June Meitzner, Purchasing Manager  
Business Office, Room SS153  
Rochester Community & Technical College  
851 - 30<sup>th</sup> Avenue SE  
Rochester, MN 55904-4999

Until 2:00 p.m., *local time*, July 12, 2011 at which time the bids will be opened and publicly read aloud.

**Project Scope:** Demolition and removal of Heintz Center AHU-1 R-22 cooling system including refrigerant recovery, condensing unit, refrigerant piping and cooling coil. Provide and install a new R-134a high efficiency cooling system. The replacement consists of the following work: structural modifications for condensing unit support, installation of condensing unit, refrigerant piping, AHU cooling coil, temperature controls and electrical power modifications.

**A Pre-Bid Meeting** will be held at 11:00 a.m., Thursday, June 30th, 2011, in Room CC408, College Center Building, Rochester Community & Technical College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents are as prepared by the Project Architect/Engineer, AKF Group LLC.

Interested parties may view the Bidding Documents at no cost on the website:

<http://www.finance.mnscu.edu/facilities/design-construction/index.html>

and click on "Announcements", then click on "Advertisement for Bids (**E-Plan Room**)". Bidding Documents can be downloaded for a non-refundable charge of \$10.00. Plan holders are parties that have downloaded the plans and specifications. Plan holders will be notified via email as addenda are issued. Parties that download the plans and specifications and need to have them printed elsewhere are solely responsible for those printing costs. The sales of paper copies for projects listed on this site are not available. Contact QuestCDN.com at (952) 233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in viewing or downloading with this digital project information.

**Minnesota State Colleges and Universities (MnSCU)  
St. Cloud Technical and Community College  
Formal Request for Bid for Signage Update**

**RESPONSE DUE DATE AND TIME:** Wednesday, July 6, 2011 at 2:00pm Central Time

The complete Request for Bid will be available on Monday, June 20, 2011 on the **website:** <http://www.sctcc.edu/rfp>

**TITLE OF PROJECT:** Signage Update

**GEOGRAPHIC LOCATION REQUIREMENTS:**

St. Cloud Technical & Community College, 1540 Northway Drive, St Cloud, MN 56303

**RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:**

St. Cloud Technical & Community College  
Attn: Susan Meyer, Purchasing Agent Room 1-401  
1540 Northway Drive  
St. Cloud, MN 56303

**CONTACT FOR QUESTIONS:** Lori Kloos, **Phone:** 320-308-5026, **e-mail:** [LKloos@sctcc.edu](mailto:LKloos@sctcc.edu)

Your response to this Request for Bid (RFB) must be returned sealed. Sealed responses must be received no later than the due date and time specified above, at which time the names of the vendors responding to this RFB will be read. **Late responses** cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFB.

All attached General RFB Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFB and will be incorporated into any contract(s) entered into as a result of this RFB.

All responses to this RFB must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFB to the Contact person named above. This is a request for responses to an RFB and is not a purchase order.**

**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](http://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.

# State Contracts

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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.mcginis@state.mn.us](mailto:melissa.mcginis@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.

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](http://www.dot.state.mn.us/consult)

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



## Non-State Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

## Projects in Other Government Agencies

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

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

## City of Minnetonka, Minnesota

### Letters of Interest Requested for Proposed Joint Facility for the City of Minnetonka and Minnehaha Creek Watershed District

The city of Minnetonka, in collaboration with the Minnehaha Creek Watershed District, invites letters of interest for schematic design development documents for a proposed joint site and facility. Upon review of the responses and qualifications, a select number of firms will be sent a more comprehensive Request for Proposal.

#### Project Summary

The city of Minnetonka and the Minnehaha Creek Watershed District (MCWD) have been exploring the potential of constructing a building and related improvements on Minnetonka-owned land along Minnehaha Creek. The site would be used jointly by the parties – the MCWD for its headquarters and public demonstration and education, and the city for meeting, event, educational and recreational space.

The parties have prepared a topographic site survey, wetland delineation, and broad conceptual ideas for the site. The next phase will focus on the site and its relationship to the desired functions, their relationship to the building(s) and the natural amenities and other characteristics of the site, balanced with a conceptual design of the building(s) and how it (they) integrate(s) into the site.

#### Scope of Work

- Identification of activities and amenities at the site.
- Development of site and building schematic design development documents, as defined by the American Institute of Architects, that include drawings and supporting documents that capture the client's needs and desires.
  - Integration of the building and other amenities into the site and relative to the neighborhood and the Minnehaha Creek corridor.
  - Schematic design of the site plan, building layout, building elevations and a schematic perspective of the building(s) and other amenities from the adjoining roadway and Minnehaha Creek.
  - Integration of programmatic needs relative to buildings and other structures and the opportunities and constraints of the site.
- Development of a project budget.

#### Key Capabilities

- Demonstrated expertise and experience in architectural, programmatic, environmental, and horticultural principles and planning.

# Non-State Public Bids, Contracts & Grants

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- Demonstrated expertise and experience in the aesthetic and environmentally sensitive integration of structures, programming, and vehicular and human access into a site.
- Demonstrated expertise in the layout and design of sustainable landscapes that are functional, maintainable, environmentally sound, cost effective, and visually pleasing.
- A dynamic, comprehensive, innovative perspective that results in cutting edge concepts and design ideas and solutions that are client and site specific.
- When individual firms lack all the expertise needed, a team approach is appropriate and encouraged.

To learn more, visit the city's website at [www.eminnetonka.com](http://www.eminnetonka.com). Information about the MCWD can be found at [www.minnehahcreek.org](http://www.minnehahcreek.org).

Submit letter of interest by 4:30 p.m. on July 15, 2011 to:

Geralyn Barone  
Assistant City Manager  
City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, MN 55345  
**E-mail:** [gbarone@eminnetonka.com](mailto:gbarone@eminnetonka.com)  
**Phone:** (952) 939-8216

## Northstar Corridor Development Authority (NCDA) Notice of Request for Proposals for Professional Services for Northstar Commuter Rail Transit-Oriented Development Strategy Project

**NOTICE IS HEREBY GIVEN** that the Northstar Corridor Development Authority ("NCDA") requests proposals from qualified consultants to assist in the development of transit-oriented development strategies for suburban station cities along the Northstar Corridor Commuter Rail line. The Northstar Corridor Commuter Rail Project is currently a 40-mile transportation corridor that follows Trunk Highway 10 between downtown Minneapolis and Big Lake, Minnesota. The station cities involved are Fridley, Coon Rapids, Anoka, Ramsey, Elk River and Big Lake.

The Consultant will work in collaboration with station cities to conduct a market analysis of the entire corridor, which will support the cities in implementing their transit-oriented development and land use plans. The market analysis will examine opportunities to increase housing, including workforce housing; opportunities to expand employment; and opportunities to provide convenient access to goods and services, including health care to workers, residents and commuters along the corridor. From the results of the market analysis, the NCDA and the Consultant will work with the cities to develop station-specific, market-driven, transit-oriented development implementation strategies.

Anticipated project schedule is:

Issue RFP	June 27, 2011
Pre-proposal Conference	July 11, 2011
Questions Due	July 12, 2011
Written Responses/Addenda Provided	July 14, 2011
Proposals Due	July 22, 2011
Interviews, if necessary	August 1, 2011
Selection of Contractor/Approval of Contract	August 4, 2011

All firms interested in receiving an RFP must register using the website: <http://www.anokacounty.us/bids>

**Note:** RFP will be available for downloading from the above website on June 27, 2011.

Questions regarding this RFP can be submitted by e-mail or written request to:

Tim Yantos, NCDA Executive Director

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## Non-State Bids, Contracts & Grants

Anoka County Administration  
2100 3<sup>rd</sup> Avenue  
Anoka, MN 55303  
**Phone:** (763) 323-5692  
**Fax:** (763)323-5682  
**E-mail:** *Tim.yantos@co.anoka.mn.us*

Please do not contact Tim Yantos to pre-register. Firms must use the Anoka County website to pre-register.

If a firm needs an accommodation, such as an interpreter or printed material in an alternate format (i.e. Braille, large print, or audio), contact Tim Yantos, NCDA Executive Director, at (763) 323-5692, TDD/TYY (763) 323-5370.

### University of Minnesota (U of M) Notice of Availability of Request for Proposal (RFP) for Designer Selection for University of Minnesota – Eddy Hall Rehabilitation (State Designer Selection Board Project No. 11-08)

The State of Minnesota, acting through its Board of Regents for the University of Minnesota, 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 Proposals is available on the University of Minnesota Capital Planning and Project Management website:

*[http://www.uservices.umn.edu/purchasing/ae\\_services.html](http://www.uservices.umn.edu/purchasing/ae_services.html)*

click on “Twin Cities Campus Advertisements” and then “Eddy Hall Rehabilitation.”

A mandatory informational meeting is tentatively scheduled for **June 28, 2011 at 1:00 pm Room 125 Nicholson Hall 216 Pillsbury Drive SE, Minneapolis, MN**. All firms interested in this project should attend this meeting. Project questions will also be taken at this meeting.

Proposals must be delivered to Sherry Van Horn, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services Administration Building, Room 309, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2376) no later than **12:00 Noon, C.T., July 6, 2011**. Late responses will not be considered.

The University of Minnesota 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.

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