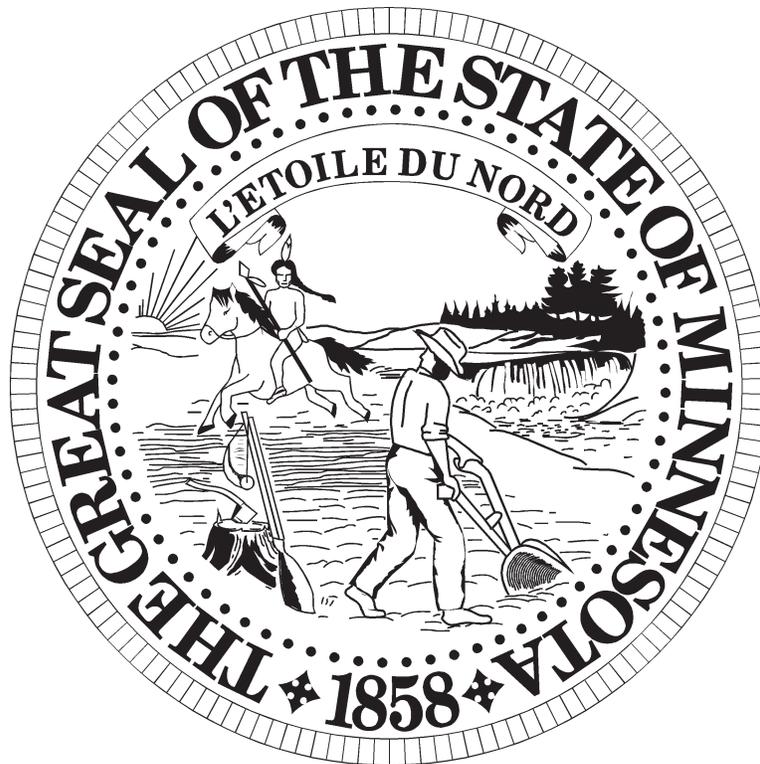


State of Minnesota

# 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- Withdrawn Rules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
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

### Printing Schedule and Submission Deadlines

Vol. 36 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 43	Monday 14 May	Noon Tuesday 8 May	Noon Wednesday 2 May
# 44	Monday 21 May	Noon Tuesday 15 May	Noon Wednesday 9 May
# 45	<b>TUESDAY 29 May</b>	Noon Tuesday 22 May	Noon Wednesday 16 May
# 46	Monday 4 June	Noon Tuesday 29 May	Noon Wednesday 23 May

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# Minnesota Rules: Amendments and Additions

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

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

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

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

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

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# Proposed Rules

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

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

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

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

## Minnesota Board of Water and Soil Resources (BWSR)

### Proposed Permanent Rules Relating to Land and Water Treatment Program

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

Proposed Amendments to Rules Relating to the Land and Water Treatment Program, Governing the State Conservation Cost-Share Program and the Reinvest in Minnesota Program, *Minnesota Rules*, parts 8400.0500 (Purpose); 8400.0060 (Authority); 8400.0100 (Definitions); 8400.0250 (Program Policy); 8400.0300 (Approved Conservation Practices); 8400.0500 (Maximum Cost-Share Rates); 8400.0550 (Recording Conservation Practices); 8400.0600 State Board Allocation of Funds to Districts); 8400.0900 (District Administration of Program Funds); 8400.1650 (Recording Conservation Practices); 8400.1700 (Maintenance); 8400.1750 (Practice Site Inspections); 8400.1800 (Appeals); 8400.1900 (Reports to the State Board); 8400.3000 (Authority); 8400.3030 (Definitions); 8400.3060 (Criteria for Allocation of Funds); 8400.3300 (Criteria for Screening Committee Review of Applications); 8400.3630 (Approved Practices); 8400.3700 (Cost-Shared Practices); and 8400.3730 (Failure of Approved Practices).

**Introduction.** The Minnesota Board of Water and Soil Resources (BWSR) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until Wednesday, June 6, 2012.

**Agency Contact Person.** You must submit comments or questions on the rules and written requests for a public hearing to the BWSR contact person. The BWSR contact person is: Dave Weirens, 520 Lafayette Road, St. Paul, Minnesota 55155, **phone:** (651) 297-3432, **fax:** (651) 297-5615, and **e-mail:** [david.weirens@state.mn.us](mailto:david.weirens@state.mn.us).

**Subject of Rules.** The BWSR is proposing to amend the rules that govern the State Conservation Cost-Share Program and Reinvest in Minnesota (RIM) Program. The primary purpose of these amendments is to conform the rule to statutory amendments made to *Minnesota Statutes* 103C and 103F in 2009. Additional changes are proposed to improve the application of these programs by:

- Streamlining the administration to increase efficiencies for both SWCDs and BWSR;
- Responding to evolving resource management strategies by accommodating greater use of other Best Management Practices (BMPs); and
- Improving the clarity of the permanent rule.

# Proposed Rules

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**Statutory Authority.** Minnesota Statutes 103C.501, Subd. 6 authorizes the board to adopt administrative rules for the Cost-Share Program. *Minnesota Statutes* 103F.531 authorize the board to adopt administrative rules for the RIM Reserve Program. In addition, the board has general rule making authority for carrying out all its programs pursuant to *Minnesota Statutes*, section 103B.101, subdivision 7.

**Rule Availability.** The proposed changes to *Minnesota Rules* Chapter 8400 are published in the *State Register*, or they can be viewed at the BWSR website (<http://www.bwsr.state.mn.us/cs/index.html>). A free copy of the proposed rule is available upon request by contacting the BWSR contact person listed above. Only one copy will be sent per request.

**Comments.** You have until 4:30 p.m. on Wednesday, June 6, 2012, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the BWSR contact person must receive it by the due date. Comments are encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the BWSR hold a hearing on the rules. Your request must be in writing and the BWSR contact person must receive it by 4:30 p.m. on Wednesday, June 6, 2012. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and it cannot be counted when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**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 BWSR contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the BWSR, and the adopted rules may not be substantially different than these proposed rules, unless the BWSR follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the BWSR encourages you to participate in the rulemaking process.

**Statement of Need and Reasonableness.** The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the BWSR contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person.

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

**Adoption and Review of Rules.** If no hearing is required, the BWSR may adopt the rules after the end of the comment period. The BWSR will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the BWSR submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the BWSR to receive notice of future rule proceedings, submit your request to the BWSR contact person listed above.

Dated: 23 April 2012

John Jaschke, Executive Director  
Minnesota Water and Soil Resources Board

## 8400.0050 PURPOSE.

The ~~state cost-share~~ land and water treatment program is administered through ~~local conservation~~ districts to provide financial and technical assistance to land occupiers for the application of conservation practices that reduce erosion, control sedimentation, ~~or~~ improve and protect water quality, or address water quantity problems due to altered hydrology to ensure the sustainable use of Minnesota's natural resources.

## EROSION CONTROL AND WATER MANAGEMENT PROGRAM

## 8400.0060 AUTHORITY.

*Minnesota Statutes*, section 103C.501, authorizes the state board, in cooperation with the districts, to administer a program of cost sharing with land occupiers for the installation of soil and water conservation practices. Parts 8400.0060 to 8400.1900 provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to districts and standards and guidelines that the district boards shall use in allocating funds to land occupiers.

## 8400.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 8400.0050 to ~~8400.1800~~ 8400.1900, the definitions in this part, in addition to those in *Minnesota Statutes*, chapter 103C, apply.

Subp. 1a. [Repealed, 20 SR 2185]

Subp. 2. [Repealed, 20 SR 2185]

Subp. 2a. [See repealer.]

Subp. 3. **Annual work plan.** "Annual work plan" means a plan prepared by the ~~conservation~~ district pursuant to *Minnesota Statutes*, section 103C.331, subdivision 11, paragraph (f) ~~(e)~~, and according to the most recent ~~version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans policy~~ published by the state board. ~~That publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

Subp. 4. [See repealer.]

[For text of subps 5 to 7a, see M.R.]

Subp. 8. **Comprehensive plan.** "Comprehensive plan" means a long-range plan adopted by the ~~conservation~~ district pursuant to *Minnesota Statutes*, section 103C.331, subdivision 11, and according to the most recent ~~version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans policy~~ published by the state board. ~~That publication is not subject to frequent change, is available in the State Law Library, and is incorporated by reference.~~

Subp. 8a. [Repealed, 20 SR 2185]

Subp. 9. **Conservation District.** "~~Conservation~~ District" means a soil and water conservation district organized under *Minnesota Statutes*, chapter 103C.

Subp. 10. **Conservation District board.** "~~Conservation~~ District board" means the board of supervisors of a soil and water conservation district as organized under *Minnesota Statutes*, chapter 103C.

Subp. 10a. [See repealer.]

[For text of subps 10b to 14a, see M.R.]

Subp. 14b. [See repealer.]

Subp. 15. [See repealer.]

Subp. 16. [See repealer.]

Subp. 16a. [See repealer.]

# Proposed Rules

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Subp. 16b. [See repealer.]

Subp. 17. [Repealed, 9 SR 2439]

Subp. 18. **Land occupier.** “Land occupier” means a person, corporation, or legal entity that holds title to or is in possession of land within a ~~conservation~~ district as an owner, lessee, tenant, or otherwise.

Subp. 18a. [See repealer.]

Subp. 18b. [See repealer.]

Subp. 19. [Repealed, 20 SR 2185]

Subp. 19a. [See repealer.]

Subp. 20. [Repealed, 20 SR 2185]

Subp. 20a. [See repealer.]

Subp. 20b. [See repealer.]

Subp. 20c. [Repealed, 20 SR 2185]

Subp. 20d. [See repealer.]

Subp. 21. [Repealed, 20 SR 2185]

Subp. 22. [Repealed, 20 SR 2185]

Subp. 22a. [See repealer.]

[For text of subps 23 and 24, see M.R.]

Subp. 25. [See repealer.]

Subp. 26. [See repealer.]

Subp. 27. [See repealer.]

## **8400.0250 PROGRAM POLICY.**

The state board shall adopt policies providing for administration and implementation of parts 8400.0500 to 8400.1900.

## **8400.0300 APPROVED CONSERVATION PRACTICES.**

Subpart 1. [See repealer.]

Subp. 2. **Criteria for approved conservation practices.** Practices ~~approved by the state board~~ eligible for cost-share funds must meet the criteria in items A to D.

A. ~~The primary purpose of all practices must be the control of soil erosion, sedimentation, or chemical or nutrient runoff or infiltration that impairs water quality. Farmstead windbreaks are exempt from this requirement. The objectives of the approved conservation practices may include, but are not limited to, activities that:~~

(1) control nutrient runoff;

(2) control sedimentation;

(3) divert runoff to protect and improve water quality;

- (4) reduce wind erosion;
- (5) control gully, rill, or sheet erosion;
- (6) protect shoreland from erosion;
- (7) control storm water runoff;
- (8) protect or improve surface water and groundwater quality;
- (9) provide energy conservation and snow protection; or
- (10) alleviate water quantity problems due to altered hydrology.

B. All practices cost-shared under this program must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date the conservation district board approves the final payment and the project is considered complete. Practices to restore, protect, or enhance natural wildlife, aquatic, or native plant habitat are eligible when used in combination with the practices listed in item A.

C. No cost-share funds shall be furnished for conservation practices designed ~~only~~ primarily to increase land productivity.

D. All conservation practices must be consistent with the district's comprehensive plan.

Subp. 3. [See repealer.]

#### **8400.0500 MAXIMUM COST-SHARE RATES.**

The maximum cost-share rates established by the state board represent the maximum percent or amount of the total cost of a conservation practice that may be funded by using state cost-share funds. ~~Where state and federal funds are cost-shared on the same project, their combined amount shall not exceed the maximum cost-share rate.~~

#### **8400.0550 RECORDING CONSERVATION PRACTICES.**

The state board may determine that long-term maintenance of a conservation practice is desirable and may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this part shall be construed in the same manner as a conservation restriction under *Minnesota Statutes*, section 84.65.

#### **8400.0600 STATE BOARD ALLOCATION OF FUNDS TO ~~CONSERVATION~~ DISTRICTS.**

Subpart 1. [See repealer.]

Subp. 2. [Repealed, 9 SR 2439]

Subp. 3. [See repealer.]

Subp. 4. **Grants to conservation districts.** The state board ~~shall annually~~ may allocate cost-share funds to ~~conservation~~ district boards that have fully complied with *Minnesota Statutes*, section 103C.501, subdivision 3; ~~all state cost-share erosion control and water management program rules and comprehensive and annual planning guidelines as prescribed by the state board; and program policies.~~ At least 70 percent of the cost-sharing funds available statewide will be allocated to ~~conservation~~ districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. The remaining cost-share funds may be allocated by the board to ~~conservation~~ districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services.

Subp. 5. **Other ~~state and federal~~ funds.** Other funds received by the state board may be allocated to ~~conservation~~ districts for the treatment of erosion, sedimentation, ~~or~~ water quality problems, or water quantity problems due to altered hydrology. These additional funds may be incorporated with existing ~~cost-share~~ erosion control and water management program funds and their use may be governed

# Proposed Rules

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by the ~~Administrative Guidelines~~ program policy or may be subject to other ~~administrative policies or~~ guidelines required to fully implement the intent for which these additional funds were appropriated.

## 8400.0900 ~~CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS.~~

Subpart 1. **General.** Following receipt of grant funds from the state board, a ~~conservation~~ district is responsible for administration of the funds in accordance with *Minnesota Statutes*, chapter 103C, ~~the Administrative Guidelines, and all other applicable laws.~~ The conservation district board shall make all decisions concerning use of these funds in accordance with parts 8400.0050 to 8400.1800 and the Administrative Guidelines 8400.1900, program policies, and all other applicable laws. All funds allocated to ~~conservation~~ districts must be used for the purposes designated by the state board.

Subp. 2. **Maximum cost-share percentage rate.** Prior to considering any applications from land occupiers for cost-share assistance, the ~~conservation~~ district board shall establish cost-share rates for conservation practices to be installed under the program, up to the maximum rates established by the state board. ~~The maximum percent of the total eligible cost of the practices installed using state cost-share funds must not exceed 75 percent. Other state or federal funds from any source, when used in combination with cost-share funds of this program, must not exceed the maximum payment rate of 75 percent of the total eligible costs.~~ The conservation district board shall establish cost-share rates based on the following factors:

A: ~~the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district's comprehensive and annual plans;~~

B: ~~advice of technical experts familiar with the conservation district;~~

C: ~~cost-share rates currently in effect under the agricultural conservation program administered by the United States Farm Service Agency and other assistance programs;~~

D: ~~conservation district priorities as established in the conservation district's comprehensive and annual plans and comprehensive local water plan;~~

E: ~~cost-share funds available; and~~

F: ~~the state board's Administrative Guidelines.~~

~~The maximum cost-share rates must be identified in the conservation district's annual plan and other documents containing the policies of the conservation district.~~

Subp. 3. ~~[See repealer.]~~

Subp. 4. **Criteria for district board review.** The district board shall use the factors in items A to D to determine practice eligibility and to review applications for conservation practice funding.

A. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:

(1) grant the district's representatives access to the parcel where the conservation practice will be located;

(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and

(3) be responsible for operation and maintenance of conservation practices applied under this program according to an operation and maintenance plan prepared or approved by a district technical representative or the district's delegate.

B. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.

C. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.

D. Conservation practices where construction has begun prior to district approval are ineligible for financial assistance. The board may waive this requirement for emergency needs.

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Subp. 5. **Entering into contract.** After completion of the district board's, or its delegate's, review of practice eligibility, the district board, or its delegate, shall approve or deny the application. If the application is approved, the district board, or its delegate, may enter into a contract with the land occupier.

## **8400.1650 RECORDING CONSERVATION PRACTICES.**

The size, location, and effective life of the soil and water conservation practices that have received cost-share payments under this program equal to or in excess of \$50,000 shall be recorded by the conservation district on the property title. The conservation district board may require the recording of practices where cost-share payments are less than \$50,000 where such action is considered appropriate by the conservation district board. Recording procedures, including the prescribed forms, are described in the administrative guidelines for the state cost-share program. When a district board, or its delegate, determines that long-term maintenance of a conservation practice is desirable, the board, or its delegate, may require that maintenance be made a covenant upon the land for the effective life of the conservation practice. A covenant under this part shall be construed in the same manner as a conservation restriction under *Minnesota Statutes*, section 84.65.

## **8400.1700 MAINTENANCE.**

Subpart 1. **Land occupier maintenance responsibilities.** The land occupier is responsible for operation and maintenance of conservation practices applied under this program to ensure that their conservation objective is met and the effective life, ~~a minimum of ten years~~, is achieved. Should the land occupier fail to maintain the conservation practices during their effective life, the land occupier is liable to the state of Minnesota for ~~the full amount up to 150 percent~~ of financial assistance received to install and establish the conservation practice. The land occupier is not liable for cost-share assistance received if the failure was caused by reasons beyond the land occupier's control, or if ~~soil and water~~ conservation practices are applied at the land occupier's expense which provide equivalent protection of the soil and water resources.

Subp. 2. **Reapplication or removal of conservation practices.** In no case shall a conservation district provide cost-share assistance to a land occupier for the reapplication of conservation practices which were removed by the land occupier during their effective life or that failed due to improper maintenance. ~~The conservation district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.~~

## **8400.1750 PRACTICE SITE INSPECTIONS.**

~~As a condition to receive grant funds from the state board, the conservation district shall ensure compliance with the maintenance provisions of part 8400.1700 and *Minnesota Statutes*, chapter 103C, by monitoring all cost-share contracts made with land occupiers. The conservation districts ~~district or the district's delegate~~ shall conduct site inspections of conservation practices installed with cost-share funds to determine if the land occupier is in compliance with the operation and maintenance requirements under part 8400.1700 and the policy, guidelines, and requirements of the state board. Site inspection procedures, including the prescribed forms and frequency, are described in the Administrative Guidelines for the State Cost-Share Program.~~

## **8400.1800 APPEALS.**

Land occupiers may appeal a conservation district's action within 60 days of receiving notice of the action by submitting a written request to the conservation district board asking the board to reconsider its decision. Should the land occupier and the conservation district board reach an impasse, the land occupier may petition to appeal the conservation district board's decision to the state board within 60 days of receiving notice of the district board's final decision. ~~If an informal hearing is granted, the state board or its appointed mediator shall hear all testimony offered, and shall accept written testimony for ten days after the hearing. The mediator, if one is used, shall report the findings and recommendation to the state board. The state board or its executive director shall review and grant the petition, unless it is deemed without sufficient merit, within 30 days of the receipt of the petition.~~ The state board shall make its decision on the appeal, if granted, within 60 days of ~~the a hearing date or 60 days after receiving the mediator's report, upholding, reversing, or amending.~~ The state board's decision may uphold, reverse, or amend the decision of the conservation district board.

## **8400.1900 REPORTS TO STATE BOARD.**

Each district shall submit to the state board the reports identified in part 8400.0700: For the purpose of reporting and monitoring the progress of the program and use of funds, each district shall submit an accomplishments report according to the guidelines and requirements established by the state board.

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## EASEMENT PROGRAM

### 8400.3000 AUTHORITY.

*Minnesota Statutes*, sections 84.95, 103A.209, and 103F.501 to 103F.531, authorize the state board, in consultation with districts, private groups, and state and federal agencies, to implement a program to (a) acquire permanent easements on land containing type 1, 2, 3, or 6 wetlands; (b) to retire certain marginal agricultural land from agricultural crop production or pasturing and protect environmentally sensitive areas to enhance soil and water quality, minimize damage to flood-prone areas, sequester carbon, and support native plant, fish, and wildlife habitats and to reestablish perennial cover and restore wetlands on that land; and (c) to enhance and protect other private lands. Parts 8400.3000 to 8400.3930 provide procedures and criteria to be followed by the state board and district boards in implementing *Minnesota Statutes*, sections 103F.501 to 103F.531. The state board shall implement the reinvest in Minnesota reserve program with district boards when practical, but may also implement the program directly or through its authorized agents.

### 8400.3030 DEFINITIONS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. [See repealer.]

Subp. 6a. [See repealer.]

[For text of subps 7 to 10, see M.R.]

Subp. 10a. [See repealer.]

[For text of subps 10b to 13, see M.R.]

Subp. 14. **District.** “District” means a local soil and water conservation district organized under *Minnesota Statutes*, chapter 103C.

Subp. 15. **District board.** “District board” means the board of supervisors of a soil and water conservation district organized under *Minnesota Statutes*, chapter 103C.

[For text of subps 16 and 17, see M.R.]

Subp. 17a. **Drained wetland.** “Drained wetland” means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to render the land suitable for agricultural crop production. The alteration must have occurred before December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources reduce its natural function.

Subp. 17b. **Easement program practice specifications.** “Easement program practice specifications” means the detailed descriptions of the approved practices that are allowed on lands enrolled in the conservation easement programs. This information is contained in the current edition of the conservation easement handbook, a publication of the state board that is defined in subpart 10a.

Subp. 18. [Repealed, 19 SR 550]

Subp. 19. [See repealer.]

Subp. 20. [See repealer.]

Subp. 20a. [See repealer.]

[For text of subps 20b to 23, see M.R.]

Subp. 24. [See repealer.]

Subp. 25. [See repealer.]

Subp. 26. [See repealer.]

[For text of subp 27, see M.R.]

Subp. 28. [See repealer.]

[For text of subps 29 and 30, see M.R.]

Subp. 31. **Landowner.** “Landowner” means an individual, ~~family farm, family farm partnership, authorized farm partnership, family farm corporation, authorized farm corporation, estate, or testamentary trust, or entity that is not prohibited from owning agricultural land under *Minnesota Statutes*, section 500.24, and~~ who either owns eligible land or is purchasing eligible land under a contract for deed in Minnesota.

[For text of subp 31a, see M.R.]

Subp. 32. [See repealer.]

Subp. 33. **Marginal agricultural land.** “Marginal agricultural land” ~~for the RIM reserve program~~ means agricultural land that is: (1) A. composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or (2)

B. similar to land described under ~~clause (1) item A~~ and identified under a land classification system selected by the state board ~~that is composed of soils that are inherently unproductive, as defined in subpart 28, for agricultural crop production or likely to cause significant potential environmental impact, as defined in subpart 44.~~

If the state selects a land classification system as provided by clause (2), the state board will provide districts with a list of soil mapping units indicative of marginal agricultural land. Districts, upon state board approval, may change the list as necessary to reflect local soil characteristics. A current list is available at the state board office and at district offices, is subject to periodic change, and is incorporated herein by reference.

[For text of subps 33a to 39b, see M.R.]

Subp. 39c. [See repealer.]

Subp. 40. [See repealer.]

Subp. 41. [Repealed, 19 SR 550]

Subp. 42. **RIM reserve program.** “RIM reserve program” means the program established in *Minnesota Statutes*, ~~sections~~ section 103F.515 and 103F.525.

Subp. 42a. **Riparian land.** “Riparian land” means land adjacent to public waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a comprehensive local water plan, as defined in *Minnesota Statutes*, section 103B.3363, subdivision 3.~~

[For text of subps 43 and 43a, see M.R.]

Subp. 44. [See repealer.]

Subp. 45. **Soil and water conservation practice.** “Soil and water conservation practice” means structural or vegetative practices applied to land for the purposes of controlling soil erosion, sediment, agricultural nutrients or waste, or other water pollutants.

Subp. 46. [See repealer.]

Subp. 47. [Repealed, 14 SR 1928]

Subp. 47a. **State board.** “State board” means the Board of Water and Soil Resources.

Subp. 48. **Wetland.** “Wetland” means ~~land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation~~ wetlands as defined in *Minnesota Statutes*, section 103G.005, subdivision 19.

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## 8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.

Upon completion of the application period and initial eligibility determination by the responsible district staff or the district technical representative, the screening committee may confer and prioritize each eligible application: The state board may direct districts to utilize a local screening process or committee to prioritize local project areas or applications. The criteria for screening committee prioritization are as follows:

A. consistency with the purpose and policy of the respective conservation easement program ~~for which an application has been submitted by an eligible landowner;~~

~~B. the parcel's relationship to the priorities previously determined in part 8400.3130;~~

~~E~~ B. the parcel's potential impact on reducing soil erosion and sedimentation, improving water quality, reducing flooding, and enhancing fish and wildlife habitat;

~~D. potential title problems and encumbrances;~~

~~E~~ C. compatibility with established priorities of the organizations and agencies represented on participating in the screening committee process; and

F ~~D.~~ highest priority must be given to permanent easements pursuant to *Minnesota Statutes*, section 103F.515, subdivision 2, paragraph ~~(f)~~ (e).

## 8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

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

C. a letter from the Department of Natural Resources ~~area wildlife manager~~ recommending either approval or disapproval of the proposed change; and

D. other supporting documents, including:

(1) an aerial photo identifying the requested change;

(2) a soil survey map of the area;

(3) cropping history information; and

(4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

## 8400.3630 APPROVED PRACTICES.

Subpart 1. **Criteria.** Approved practices must have as their primary purpose the control of soil erosion or sedimentation, protection or improvement of water quality, reduction of flooding, or enhancement of fish and wildlife habitat. Approved practices are may be further specified in the easement program policies or practice specifications. Practices that do not qualify as approved practices include, but are not limited to, Christmas tree plantations and fruit orchards. Food plots are not eligible for conservation easement program cost-sharing, but are considered an approved practice and, therefore, are allowed on enrolled acres if they are included as specified in the easement

conservation plan.

Subp. 2. **Establishment of approved practices.** A landowner is responsible for the establishment of all approved practices on the easement area in accordance with the easement program practice specifications. Establishment of approved practices must be monitored by the district board or its delegate to ensure compliance with the conservation plan and the conservation easement. Upon establishment or partial completion of an approved practice, a district technical representative shall certify whether or not the approved practice, in whole or part, has been satisfactorily performed.

## **8400.3700 COST-SHARED PRACTICES.**

Subpart 1. **Approved practices eligible for cost-sharing.** The state board shall determine which approved practices are eligible for conservation easement program cost-sharing, consistent with the criteria as described in part 8400.3630, subpart 1, ~~and consistent with the payment limits in *Minnesota Statutes*, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2).~~

### Subp. 2. **Eligible costs for cost-shared practices.**

A. Upon satisfactory performance under part 8400.3630, subpart 2, the landowner shall present receipts or invoices to the district board, or its delegate, of the costs incurred in the installation of the cost-shared practice. The district board shall review the receipts or invoices to determine the costs eligible for conservation easement program payment. If the district board determines that the costs requested for reimbursement are reasonable and necessary, it shall recommend payment to the landowner by submitting certification of satisfactory performance and providing documentation of reimbursable practice costs to the state board on forms provided by the state board. If the district board determines that certain costs requested for reimbursement are not eligible or reasonable, it shall notify the landowner in writing of this determination. The landowner may request reconsideration of this determination by the district board within 30 days of receipt of the determination. If additional costs are determined to be eligible and reasonable, the district board shall then recommend payment for the approved amount. The state board reserves the right to approve whether costs requested for reimbursement are eligible and reasonable.

B. Eligible costs for approved practices are limited to those prescribed by the state board as allowed in *Minnesota Statutes*, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2), and to the total state funds encumbered for the cost-shared practices designated in the conservation plan. ~~The amount of encumbered funds may be increased, within the statutory limits, after a landowner request, which has been properly executed on forms prescribed by the state board, has been approved by the state board.~~

C. ~~If the actual cost of installing a cost-shared practice designated in the conservation plan is less than the statutory payment limit described in item B, the state shall only pay the actual cost of the installation. The state board reserves the right to approve and provide funding for cost-shared practices directly or through its authorized agents.~~

Subp. 3. **Payment for in-kind services.** In-kind services provided by the landowner including, but not limited to, earthwork, seedbed preparation, and seeding, may be credited to the landowner's share of the total cost of establishing the cost-shared practice. The district board shall credit only those costs it determines to be practical and reasonable and may approve receipts or invoices directly or through its authorized agents.

Subp. 4. **Funds from other sources.** Conservation easement program cost-sharing funds may be augmented by funds from other agencies, organizations, or individuals. ~~Securing these funds is the responsibility of the landowner.~~

## **8400.3730 FAILURE OF APPROVED PRACTICES.**

Subpart 1. **Cost-shared practices.** A landowner is not in violation of the conservation easement if the failure, in whole or part, of a cost-shared practice was caused by reasons beyond the landowner's control such as extreme weather conditions. In these instances, the district board may recommend to the state board that conservation easement program cost-sharing funds be encumbered for reestablishment of the cost-shared practice. The encumbrance must comply with the limits ~~in *Minnesota Statutes*, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2) prescribed by the state board.~~ In no case may a district board authorize conservation easement program financial assistance to a landowner for the reestablishment of cost-shared practices that were removed or altered by the landowner, or that have failed due to improper maintenance during the term of the conservation easement.

Subp. 2. **All other approved practices.** A landowner is not in violation of the conservation easement if the failure of approved practices was caused by reasons beyond the landowner's control.

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## 8400.3830 VIOLATIONS AND ENFORCEMENT.

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

Subp. 2. **State board action.** Upon notification ~~by the district board~~ or discovery of a violation of a conservation agreement, conservation easement, or conservation plan, the state board shall take action to resolve the violation.

A landowner who violates the terms of a conservation agreement, conservation easement, or conservation plan under this chapter, or induces, assists, or allows another to do so, is liable to the state for treble damages if the violation is willful or double damages if the violation is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

If the state board is not successful in resolving the violation, it may request the state attorney general to commence legal action to enforce the conservation agreement, conservation easement, or conservation plan.

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

**REPEALER.** *Minnesota Rules*, parts 8400.0100, subparts 2a, 4, 10a, 14b, 15, 16, 16a, 16b, 18a, 18b, 19a, 20a, 20b, 20d, 22a, 25, 26, and 27; 8400.0200; 8400.0300, subparts 1 and 3; 8400.0600, subparts 1 and 3; 8400.0700; 8400.0800; 8400.0900, subpart 3; 8400.1000; 8400.1100; 8400.1200; 8400.1250; 8400.1300; 8400.1400; 8400.1405; 8400.1460; 8400.1500; 8400.1600; 8400.3030, subparts 6, 6a, 10a, 19, 20, 20a, 24, 25, 26, 28, 32, 39c, 40, 44, and 46; 8400.3060; and 8400.3870, are repealed.

## 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 Pollution Control Agency (MPCA)

### Adopted Permanent Rules Relating to Financial Assurance at Certain Types of New Landfills

The rules proposed and published at *State Register*, Volume 36, Number 11, pages 373-376, March 10, 2011 (36 SR 373), are adopted as proposed.

**Department of Public Safety (DPS)****Adopted Permanent Rules Governing Enhanced Drivers' Licenses and Enhanced Identification Cards**

The rules proposed and published at *State Register*, Volume 36, Number 16, pages 539-545, November 07, 2011 (36 SR 539), are adopted with the following modifications:

**7410.0100 DEFINITIONS.**

[For text of subs 3 to ~~10~~ 10, see M.R.]

Subp. 10a. **Professional license.** “Professional license” means any requirement by law to be licensed or registered by the state to carry on or practice a trade, employment, occupation, or profession within the state and any requirement by law to renew the license or certificate of registration at stated intervals and to pay a fee for such renewal on or before a specified date or be subject to revocation of the license or certificate or other penalties.

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

**7410.0400 DOCUMENTING PROOF OF NAME, DATE OF BIRTH, IDENTITY.**

Subpart 1. **In general.** At the time of application for a driver's license, enhanced driver's license, permit, identification card, enhanced identification card, or vehicle certificate of title or registration by an owner who is an individual, the applicant shall present a Minnesota driver's license, enhanced driver's license, permit, or Minnesota identification card, or enhanced identification card if one of these has been issued to the applicant.

A. ~~Except for an applicant for an enhanced driver's license or an enhanced identification card~~ With respect to applications for a driver's license, identification card, or vehicle certificate of title or registration by an owner who is an individual, the Minnesota driver's license, identification card, or permit must not have expired more than:

(2) one year before it is presented if it does not have a color photograph or electronically produced or digitized image of the applicant. A temporary seven-day driver's license issued to a Minnesota-licensed driver only by the state of Minnesota under Minnesota Statutes, section 169A.52, subdivision 7, paragraph (c), clause (2), may be presented if it is not expired more than one year.

Under part 7410.0410, subpart 4a, item Q, only a valid Minnesota driver's license, valid identification card, or valid permit can be presented as proof of residency for applicants for an enhanced driver's license or enhanced identification card.

E. As proof satisfactory of full legal name, an applicant for an enhanced driver's license or enhanced identification card must present one document not previously presented for proof of identity from:

(1) item D, ~~except subitems (1) and (2);~~

(2) item F, ~~except subitem (4);~~

(4) item H, ~~except subitems (1) and (2); or~~

(5) part 7410.0410, subpart 4a, except items A, B, C, F, H, I, O, and P; ~~and or~~

(6) ~~in the case of an applicant whose full legal name does not match all other identity documents presented for an EDL or an EID under this part or under part 7410.0410, subpart 4a, the applicant must also present one of the following: part 7410.0500, subpart 2, item C.~~

~~(a) certified marriage certificate;~~

~~(b) certified divorce decree; or~~

~~(c) certified court order specifying a name change. In the case of an applicant whose full legal name does not match all other identity documents presented for an EDL or an EID under this part or under part 7410.0410, subpart 4a, the applicant must also present a document from part 7410.0500, subpart 2, item C.~~

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G. As proof satisfactory of photographic identity, an applicant for an enhanced driver's license or an enhanced identification card must present one of the following documents:

(3) United States military ~~photo~~ identification card issued to active, reserve, and retired military personnel;

(8) United States high school identification card with a ~~report card~~ certified transcript from the same school, both issued no more than 180 days before the EDL or EID application;

(9) United States college or university identification card with a certified transcript from the same college or university, both issued no more than 180 days before the EDL or EID application; or

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

Subp. 3a. **Verification.** The department must be able to verify with the issuing jurisdiction the issuance of and authenticity of the primary or secondary document presented.

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

C. This subpart applies to an applicant for an enhanced driver's license or enhanced identification card.

~~Subp. 3b. **Verification of EDL or EID documents.** The commissioner shall verify the authenticity of all identity documents presented by an applicant for an enhanced driver's license or enhanced identification card.~~

## 7410.0410 PROOF OF RESIDENCY.

Subp. 4a. **Proof of residency for enhanced driver's license or enhanced identification card.** An applicant for an enhanced driver's license or enhanced identification card must provide the commissioner with ~~satisfactory~~ proof satisfactory of residency in the state by providing two of the different forms of documentation listed in items A to T that lists the applicant's name and address.

D. United States high school identification card with ~~report card~~ a certified transcript from the same school if issued no more than ~~90~~ 180 days before EDL or EID application.

E. United States college or university identification card with a certified transcript from the same college or university if issued no more than ~~90~~ 180 days before EDL or EID application.

J. Federal or state income tax ~~sent to the applicant by the Internal Revenue Service or Minnesota Department of Revenue~~ return or statement for the most recent tax filing year.

Q. Valid Minnesota driver's license ~~or~~ valid Minnesota identification card, or valid permit.

# Executive Orders

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

## Office of the Governor

### Emergency Executive Order #12-03: Providing for Personnel and Equipment for the Prairie Island Nuclear Generating Plant Drill and Exercise

**I, MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, has requested assistance in providing personnel and equipment to support the Prairie Island Nuclear Generating Plant Drill and Exercise; and

**WHEREAS**, the Minnesota Department of Public Safety, Minnesota Department of Human Services, Dakota and Goodhue Counties of Minnesota, and other local authorities and participating agencies do not have adequate personnel and equipment to complete the drill and exercise; and

**NOW, THEREFORE**, I hereby order that:

1. The Adjutant General of Minnesota, during the period of May 8, 2012, to July 10, 2012, order to active duty in the service of the State, such personnel and equipment of the military forces of the State needed by the Minnesota Department of Public Safety, Minnesota Department of Human Services, and Dakota and Goodhue Counties to successfully complete the Prairie Island Nuclear Generating Plant Drill and Exercise.
2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be paid by the Department of Public Safety, Division of Homeland Security and Emergency Management, as provided by an interdepartmental agreement dated April 19, 2012.

Pursuant to *Minnesota Statutes* 2010, section 4.035, subdivision 2, this Order shall be effective immediately and will remain in effect through July 10, 2012.

**IN TESTIMONY WHEREOF**, I have set my hand this 2<sup>nd</sup> day of May, 2012.

Signed: **Mark Dayton**  
**Governor**

Filed According to Law:

Signed: **Mark Ritchie**  
**Secretary of State**

## Official Notices

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

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

## Bond Rates, Meetings, Notices and Announcements

The Official Notices presents a “heads up” on important state meetings, dates, issuance of bonds, rates and other announcements. The *State Register* reaches a large audience of “interested eyes” every week. Remember to publish your notices here - it only costs \$10.20 per 1/10 of a page used in the *State Register* - it’s the least expensive legal advertising in the state.

All Official Notices, including the current volume as it grows, are indexed. Only subscribers can view this current index. Open the *State Register* and click on the Bookmarks icon in the upper left corner. You will see the growing index, and have fast access to all the online indices to the *State Register*. You also receive a summarized “Contracts & Grants” section showing bids and grants still open.

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- All Contracts & Grants Open for Bid
- LINKS
- Indexes to Vol. 27 - Vol. 33
- Access to *State Register* Archives
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## Emergency Medical Services Regulatory Board (EMSRB) Notice of Completed Application in the Matter of the License Application of Glencoe Regional Health Services Ambulance Service, Glencoe, Minnesota

**PLEASE TAKE NOTICE** that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from **Glencoe Regional Health Services Ambulance Service, Glencoe, Minnesota**, for a new license, Advanced Ambulance.

**NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* § 144E.11, subdivision 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB **within 30 days or by June 7, 2012, 4:30 p.m.**

Written recommendations or comments opposing the application should be sent to: Pamela Biladeau, Executive Director, EMSRB, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222. If no more than five comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* § 144E.11, subdivision 4(a). If more than five comments in opposition to the application are received during the comment period, or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* § 144E.11, subdivision 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing, one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* § 144E.11, subdivision 5(c)-(e).

Dated: 30 April 2012

Pamela Biladeau, Executive Director  
Emergency Medical Services Regulatory Board

## **Emergency Medical Services Regulatory Board (EMSRB) Notice of Completed Application in the Matter of the License Application of North Memorial Ambulance Service, Forest Lake, Minnesota**

**PLEASE TAKE NOTICE** that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from **North Memorial Ambulance Service, Forest Lake, Minnesota**, for expansion of their designated primary service area.

**NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* § 144E.11, subdivision 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB **within 30 days or by June 7, 2012, 4:30 p.m.**

Written recommendations or comments opposing the application should be sent to: Pamela Biladeau, Executive Director, EMSRB, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222. If no more than five comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* § 144E.11, subdivision 4(a). If more than five comments in opposition to the application are received during the comment period, or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* § 144E.11, subdivision 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing, one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* § 144E.11, subdivision 5(c)-(e).

Dated: 30 April 2012

Pamela Biladeau, Executive Director  
Emergency Medical Services Regulatory Board

## **Minnesota Pollution Control Agency (MPCA) Industrial Division**

### **Notice of Availability and Request for Comments on Draft Section 401 Conditional Water Quality Certification of the U.S. Environmental Protection Agency's Proposed 2013 National Pollutant Discharge Elimination System General Permit for Commercial and Large Recreational Vessels**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) requests comments on the Draft Clean Water Act (CWA) Section 401 Conditional Water Quality Certification (hereinafter referred to as Conditional 401 Certification) that the MPCA proposes to issue for the U.S. Environmental Protection Agency's (EPA) proposed 2013 National Pollutant Discharge Elimination System (NPDES) General Permit for Commercial and Large Recreational Vessels (hereinafter referred to as VGP2). As proposed by EPA in November 2011 and as further detailed in the permit, the VGP2 is applicable for all discharges from commercial and large recreational vessels within waters of the State of Minnesota. The VGP2 would regulate ballast water discharges, to prevent the introduction and spread of aquatic invasive species, and it would also regulate 26 other types of vessel discharges. The following website contains additional information and a copy of the EPA's proposed VGP2: <http://cfpub.epa.gov/npdes/vessels/vgpermit.cfm>

The Draft Conditional 401 Certification is in response to the EPA's request that the MPCA provide a 401 Certification determination on the proposed VGP2, by no later than June 30, 2012, for the vessel discharges that the VGP2 would authorize in Minnesota waters. Upon issuance, the EPA's VGP2 would replace the EPA's NPDES General Permit for Discharges Incidental to the Normal Operation of Commercial Vessels and Large Recreational Vessels issued in 2008.

Interested persons are invited to submit written comments on the MPCA's Draft Conditional 401 Certification for the proposed VGP2. **The public comment period begins on Monday, May 7, 2012, and ends at 4:30 p.m. on Monday, May 28, 2012.** Interested persons may also attend the MPCA Citizen's Board Meeting on May 22, 2012, during which time the MPCA staff will be providing a

# Official Notices

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presentation on the Draft Conditional 401 Certification as an informational item. For more information, and to view the forthcoming agenda for the May 22, 2012, meeting, please visit the following webpage:

<http://www.pca.state.mn.us/index.php/about-mpca/mpca-overview/mpca-citizens-board/mpca-citizens-board.html>

## **Preliminary Determination on the 401 Certification**

The MPCA Commissioner has made a preliminary determination to issue a Conditional 401 Certification for the proposed VGP2. A copy of the Draft Conditional 401 Certification is available for review and copying on the MPCA's website:

<http://www.pca.state.mn.us/news/data/index.cfm?PN=1>

or at the MPCA-St. Paul office located at 520 Lafayette Road North, St. Paul, Minnesota 55155, or at the MPCA-Duluth office located at 525 Lake Avenue South, Suite 400, Duluth, Minnesota 55802.

A copy of the Draft Conditional 401 Certification will be mailed to you if the MPCA receives your written or oral request (if applicable) at either of these offices. If you have questions about this Draft Conditional 401 Certification or the Commissioner's preliminary determination, please contact Kate Frantz by telephone at 651-757-2370 or by e-mail at [kate.frantz@state.mn.us](mailto:kate.frantz@state.mn.us).

## **Written Comment**

You may submit written comments on the conditions of the Draft 401 Certification or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the MPCA's Draft Conditional 401 Certification of the proposed VGP2.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the Draft Conditional 401 Certification that you believe should be changed.
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

## **Petition for Public Informational Meeting**

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

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

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

Please note that the MPCA's Citizen's Board Meeting scheduled for May 22, 2012, during which time the MPCA staff will be providing a presentation on the Draft Conditional 401 Certification as an informational item, will serve as the Public Informational Meeting for this matter. The public will be allowed an opportunity to provide additional comments at that time. For more information, and to view the forthcoming agenda for the May 22, 2012, meeting, please visit the following webpage:

<http://www.pca.state.mn.us/index.php/about-mpca/mpca-overview/mpca-citizens-board/mpca-citizens-board.html>

## **Petition for Contested Case Hearing**

You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the Draft Conditional 401 Certification; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the Draft Conditional 401 Certification. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

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

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above.

2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

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

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

### **MPCA Decision**

The final decision on the Conditional 401 Certification will be made by the MPCA Citizen's Board (Board) during their June 26, 2012, regularly-scheduled meeting, the agenda for which will be available at the following webpage:

<http://www.pca.state.mn.us/index.php/about-mpca/mpca-overview/mpca-citizens-board/mpca-citizens-board.html>

You may participate in the activities of the Board as provided in *Minnesota Rules* 7000.0650.

**The written comments, requests, and petitions submitted on or before the last day of the comment period will be considered in the final decision on this Conditional 401 Certification.**

Comments, requests, and petitions should be submitted in writing to: Kate Frantz, SP-5, Industrial Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; FAX: 651-296-8717; and e-mail: [kate.frantz@state.mn.us](mailto:kate.frantz@state.mn.us).

If you have questions regarding this Notice, please contact Kate Frantz via telephone at (651) 757-2370 or via e-mail at [kate.frantz@state.mn.us](mailto:kate.frantz@state.mn.us).

Dated: 30 April 2012

Paul Aasen, Commissioner  
Minnesota Pollution Control Agency

## **Department of Public Safety (DPS) Bureau of Criminal Apprehension Notice of Criminal Justice Information Users Conference**

The Bureau of Criminal Apprehension's Minnesota Justice Information Services will hold a Criminal Justice Information Users Conference on Tues. & Weds., September 11-12, 2012 at the River's Edge Convention Center in St. Cloud. The conference is open to Minnesota criminal justice agency staff and provides information on criminal justice applications, policies and proper procedure. The \$100 registration fee for attendees includes all conference materials plus CLE and POST credits.

Exhibitor booth opportunities exist for vendors and other interested parties for \$450.

To learn more about the conference, about becoming an exhibitor or to register for the conference, go to:

<https://dps.mn.gov/divisions/bca/bca-divisions/mjjs/Pages/default.aspx>.

Direct any questions about the conference or about registration to Kim Lacek, [kim.lacek@state.mn.us](mailto:kim.lacek@state.mn.us) or (651) 793-2478.

# Official Notices

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

### NOTICE OF SUSPENSION:

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective April 9, 2012 until June 8, 2012:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

### NOTICE OF DEBARMENT:

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) 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 (“MnDOT”) 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 Statute* 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 to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration 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.

## Grant Funds and Loans

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 \$10.20 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**
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It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact 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)

### Adult Mental Health Division

### Notice of Request for Proposals to Plan and Conduct a Statewide Public Campaign to Increase Awareness of Problem Gambling and the Availability of Treatment Services

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services is requesting proposals to plan and conduct a statewide public campaign to increase awareness of problem gambling and the availability of treatment services. The statewide problem gambling awareness campaign will include educational workshops, the distribution of basic educational information using a variety of print, web, and other media forms, and the promotion of the Minnesota gambling helpline (1800-333-HOPE), a 24-hour, confidential helpline staffed by trained counselors.

Work is proposed to start July 1, 2012. For more information, or to obtain a copy of the Request for Proposal, contact:

Cynthia Godin  
Department of Human Services  
Adult Mental Health Division  
P.O. Box 64981  
444 Lafayette Road North  
St. Paul, MN 551640981  
**Phone:** (651) 431-2237  
**Fax:** (651) 431-7566  
**E-mail:** [Cynthia.Godin@state.mn.us](mailto:Cynthia.Godin@state.mn.us)

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m. Central Time on June 8, 2012. Late proposals will NOT be considered.** Faxed or e-mailed proposals will NOT be considered.

# State Grants & Loans

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

[http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102)

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

## State Contracts

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

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

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

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

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

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

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

## Vendors and Consultants

The state spends \$2-3 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 \$10.20 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:

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**Department of Administration (Admin)  
Real Estate and Construction Services  
Notice of Request for Proposals (RFP) for Archibus Support Services**

The State of Minnesota, Department of Administration, Real Estate and Construction Services ("State"), requests proposals and fee schedules from firms and individuals (Responder) to provide system support, training, consulting, upgrades and subscriptions for the State enterprise Archibus system.

Real Estate and Construction Services intends to enter into a Professional and Technical Services Contract with Responder(s) meeting the criteria noted in the RFP.

The Request for Proposal is available on the Department of Administration, Real Estate and Construction Services, Space Management Services website at <http://www.admin.state.mn.us/recs/sms/sms-sa.html>. Copies of the RFP may also be requested from:

Sherry Van Horn, Contracts Supervisor  
Real Estate and Construction Services  
309 Administration Building, 50 Sherburne Avenue  
St. Paul, MN 55155  
**Phone:** (651) 201-2376  
**E-mail:** [sherry.vanhorn@state.mn.us](mailto:sherry.vanhorn@state.mn.us)

Proposals must be delivered to Real Estate and Construction Services, Department of Administration, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, Attn.: Sherry Van Horn, not later than Wednesday, May 30, 2012 by 12:00 noon C.T. Late responses will not be considered.

The State 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. The RFP 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 the RFP 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.

**Department of Administration (Admin)  
Real Estate and Construction Services  
Notice of Request for Proposals (RFP) for Professional Industrial Hygiene  
Services**

The State of Minnesota, Department of Administration, Real Estate and Construction Services ("State"), requests proposals and fee schedules from firms and individuals (Responder) to provide industrial hygiene services, including but not limited to, project management, testing, sample collection and analysis, and surveys for abatement of asbestos and other hazardous materials. Services include on-site air monitoring and daily electronic log reports, site surveys, on-site and bulk material collection, sampling and analysis, recommendations, and reports for hazardous materials projects.

Real Estate and Construction Services intends to enter into a Professional and Technical Services Master Contract (Master Contract) with Responders meeting the criteria noted in the RFP. Multiple Responders may be offered a Master Contract to perform work. Projects will vary in nature and scope, and will involve emergency response services, new construction, and remodeling.

The Master Contracts will be used by Real Estate and Construction Services on most or all state projects required to be done under the authority of the Commissioner of Administration. This includes, but is not limited to, projects done for the Department of Administration, Corrections, Human Services, and Veterans Affairs, as well as the Minnesota State Academies, Minnesota State Retirement Systems, and Perpich Center for Arts Education.

Current Master Contracts for industrial hygiene services will remain in place until June 30, 2012.  
(Cite 36 SR 1363)

# State Contracts

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**NOTE that an abatement firm, or employees of a firm for an asbestos and/or other related hazardous materials abatement contractor, are not eligible to respond to this RFP.**

The Request for Proposal is available on the Department of Administration, Real Estate and Construction Services website: [www.admin.state.mn.us/recs](http://www.admin.state.mn.us/recs), click on "Construction Services Solicitations and Announcements." Copies of the RFP may also be requested from:

Sherry Van Horn, Contracts Supervisor  
Real Estate and Construction Services  
309 Administration Building, 50 Sherburne Avenue  
St. Paul, MN 55155  
**Phone:** (651) 201-2376  
**E-mail:** [sherry.vanhorn@state.mn.us](mailto:sherry.vanhorn@state.mn.us)

Proposals must be delivered to Real Estate and Construction Services, Department of Administration, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, Attn.: Sherry Van Horn, not later than Wednesday, May 30, 2012 by 12:00 noon C.T. Late responses will not be considered.

The State 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. The RFP 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 the RFP 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) Northland Community and Technical College Notice of Request for Network Data Center UPS (Uninterruptible Power Supply) and Cooling System for Northland Community & Technical College**

**NOTICE IS HEREBY GIVEN** that Northland Community & Technical College Request for Proposal (RFP) for a Network Data Center UPS and Cooling System. The vendor selected will provide the necessary equipment and installation services for a complete UPS and cooling system for a data server room located at the East Grand Forks campus of Northland Community and Technical College. To receive a copy of the full RFP, please contact Bob Gooden either by telephone (218) 793-2450 or e-mail at [bob.gooden@northlandcollege.edu](mailto:bob.gooden@northlandcollege.edu).

Proposals are due by 5:00 p.m. central time, Monday, May 14th, 2012 and are to be addressed to Shannon Jesme, Northland Community and Technical College, 1011 Highway 1 East, Thief River Falls, MN 56701. Any questions should be directed to Bob Gooden at e-mail [bob.gooden@northlandcollege.edu](mailto:bob.gooden@northlandcollege.edu). Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation.

## **Colleges and Universities, Minnesota State (MnSCU) Rochester Community and Technical College Notice of Request for Proposal for RCTC Athletic Uniforms, Fan Merchandise and Other Specialty Items**

**NOTICE IS HEREBY GIVEN** that Rochester Community and Technical College Request for Proposal (RFP) for I.E. RCTC Athletic Uniforms, related apparel, fan merchandise, and specialty advertising items.

To receive a copy of the RFP, send an e-mail to [june.meitzner@roch.edu](mailto:june.meitzner@roch.edu) or fax your request to (507) 285-7104.

An over view session is being held on Monday, May 14<sup>th</sup> at 1:00 p.m. in Room # AT102. Proposals are due back by Monday, May 21<sup>st</sup>, 2012 4:00 p.m. and are to be addressed to June Meitzner, Rochester Community and Technical College 851 - 30th Ave SE Rochester, MN 55904.

Faxes are not acceptable. Late responses will not be considered.

Any question should be in a form of an RFI and directed to June Meitzner: [June.meitzner@roch.edu](mailto:June.meitzner@roch.edu)

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel this solicitation.

## Minnesota Historical Society (MHS) Request for Bids for *OUR MINNESOTA* Sod House and Streetcar - Exhibit and Interactive Elements

The Minnesota Historical Society (Society) is seeking proposals from qualified and experienced contractors for the entire scope of services needed for the following: fabrication and finishing of all exhibit element(s); development, creation, and finishing of all interactive(s); and delivery, installation, and training for the Sod House and the Streetcar elements of the upcoming *OUR MINNESOTA* exhibit. The gallery space will be available as of Monday, September 17, 2012, and the work must be completed by Friday October 12, 2012.

**NOTE** that a mandatory pre-bid meeting for this project will be held at **9:30 a.m. Local Time, on Monday, May 14, 2012**, the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

The Request for Proposals (which will also serve as the Project Manual) is available by contacting Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, via e-mail: [mary.green-toussaint@mnhs.org](mailto:mary.green-toussaint@mnhs.org).

Proposals are due no later than **2:00 p.m. Local Time, Thursday, May 24, 2012**. Late proposals will not be considered.

Dated: 7 May 2012

## Minnesota State Lottery Request for Proposals for Sponsorship Agreements

### Description of Opportunity

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

### Proposal Content

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

- 1. Maximize Lottery Visibility** – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.

# State Contracts

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

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

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

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

## Questions

Questions concerning this Solicitation should be directed to:

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

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

## Response Delivery

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

## Department of Natural Resources (DNR)

### Notice of Request for Proposals Aimed at Contracting for Two Project

#### Coordinators for Supervision of Workshop Facilitators Who Will Deliver Digital Photography Bridge to Nature Teacher Workshops

**CERTIFICATION:** # 29756  
**Amount of proposed contract:** \$35,000

Notice of Availability of Contract for the Department of Natural Resources is seeking proposals aimed at contracting for two project coordinators (one for Twin Cities metro area and one for greater Minnesota) to coordinate the supervision of eight to nine workshop facilitators who will deliver a total of 40 Digital Photography Bridge to Nature workshops and photo safaris to teachers and naturalists in FY '13. Coordinators will also be responsible for working with workshop facilitators to gather information to create 48 teacher lesson plans for nature photo safari activities that are based on fulfilling state learning standards. The contract may be extended for four future years depending on available funding.

Work is proposed to start July 1, 2012.

A Request for Proposals will be available by mail from this office through May 14, 2012. **A written request (by direct mail or email) is required to receive the Request for Proposal.** After May 14, 2012, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Carrol L. Henderson  
Nongame Wildlife Program Supervisor  
Department of Natural Resources, Box 25  
500 Lafayette Road  
St. Paul, MN 55155-4025  
**E-mail:** *Carrol.henderson@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:00 p.m., May 29, 2012. **Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

## Department of Natural Resources (DNR) Notice of Request for Proposals for Contract with a Total of Eight to Nine Workshop Facilitators Who Will Deliver Digital Photography Bridge to Nature Teacher Workshops

<b>CERTIFICATION:</b>	<b># 29757</b>
<b>Amount of proposed contract:</b>	<b>\$40,000, with option to extend four more years to \$200,000</b>

The Department of Natural Resources is seeking proposals aimed at contracting with a total of eight to nine workshop facilitators who will each deliver each a total of ten Digital Photography Bridge to Nature teacher workshops and/or photo safaris, and develop six photo safari lesson plans that will fulfill Minnesota learning standards.

Work is proposed to start July 1, 2012.

A Request for Proposals will be available by mail from this office through May 14, 2012. **A written request (by direct mail or email) is required to receive the Request for Proposal.** After May 14, 2012, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Carrol L. Henderson  
Nongame Wildlife Program Supervisor  
Box 25, Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155  
**E-mail:** *Carrol.henderson@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:00 p.m., May 29, 2012. **Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

# State Contracts

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## Department of Natural Resources (DNR)

### Request for Proposals for State Park and Recreational Area Virtual Tours

The Minnesota Department of Natural Resources' Division of Parks and Trails is seeking the services of outside contractors to create panoramic virtual tours highlighting the attractions, facilities and features at state parks and recreation areas throughout the state. Completed virtual tours for each state park or recreation area should generate excitement, encouraging online viewers of the tour to visit that location in person.

A full Request for Proposals can be obtained by email request to: *Jenni.webster@state.mn.us*

Prospective responders who have any questions regarding this request for proposals may contact: Jenni Webster, Project Manager, Department of Natural Resources, Division of Parks and Trails, 500 Lafayette Rd., St. Paul, MN 55155-4039, *jenni.webster@state.mn.us*. Questions will be accepted **ONLY** in writing (email is acceptable), and must be received by May 14, 2012. Responses to all questions will be compiled via an addendum to the RFP, which will be made available by May 16, 2012. No questions will be accepted via telephone or in person. The above contact information may not be added to any marketing or advertising mailing lists.

Other personnel are **NOT authorized** to discuss this request for proposal with responders, before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above could result in disqualification.

All proposals must be received not later than **2:30 p.m., Central Time, May 21, 2012**, as indicated by a notation made by the Receptionist, 500 Lafayette Rd, St. Paul, MN 55155-4039. Late proposals will NOT be considered. Fax or e-mailed proposals will **NOT** be considered.

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

## Department of Public Safety (DPS)

### Division of Office of Traffic Safety (OTS)

### Request for Proposals (RFP) for Statewide Telephone Surveys

Professional/technical services are needed to provide the Minnesota Department of Public Safety, Office of Traffic Safety with proposals to conduct a statewide telephone survey that includes information on seat belt use, impaired driving, and speeding to track driver attitudes and awareness of highway safety enforcement and communication activities and self-reported driving behaviors.

Details are contained in the complete RFP, which may be obtained by e-mailing: *Hal.Campbell@state.mn.us*. All questions concerning this RFP should be e-mailed to Hal Campbell at: *Hal.Campbell@state.mn.us* no later than 3:00 p.m., Central Daylight Time on May 16, 2012. Answers to questions will be provided to all respondents requesting a complete RFP by the end of business day on May 18, 2012. Final date for submitting proposals is 3:00 p.m., Central Daylight Time on May 30, 2012. Final selection of is anticipated to be completed by June 4, 2012 and the contract start date will be June 18, 2012 with an initial ending date of September 5, 2012.

However, if funding is available beyond this date, and if OTS requires continued services on this project, OTS will retain the option, with the contractor's consent, to extend the contract for up to 3 additional 1 year periods. The value of the contract for subsequent extension periods may be adjusted.

**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.

## Contracts with other Units of Government

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).

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.

Here’s what you receive via e-mail:

- **Word Search Capability**
- **Updates to Index to Vol. 31**
- **E-mailed to you on Friday**
- **LINKS, LINKS, LINKS**
- **“Contracts & Grants” Open for Bid**
- **Easy Access to *State Register* Archives**

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)

## Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Building ‘F’ Tower Demolition

**MAC Contract No.:** 106-3-478  
**Bids Close At:** 2:00 p.m. May 15, 2012

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for Environmental Remediation, General Construction, Mechanical Construction, and Electrical Construction work.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 5%.

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

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Miller Dunwiddie Architecture, Inc.; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Miller Dunwiddie Architecture, Inc.; 123 North Third Street, Suite 104; Minneapolis, Minnesota 55401; **phone:** (612) 337-0000; **fax:** (612) 337-0031. Make checks payable to Miller Dunwiddie Architecture, Inc. Deposit per set (refundable): \$100.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on April 30, 2012, at MAC’s web address of <http://www.metroairports.org/business/solicitations> (construction bids).

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# Non-State Public Bids, Contracts & Grants

## Metropolitan Airports Commission (MAC)

### Minneapolis-Saint Paul International Airport

#### Notice of Call for Bids for Building H Exterior Improvements

**MAC Contract No.:** 106-3-479  
**Bids Close At:** 2:00 p.m. May 15, 2012

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for General Construction, Mechanical Construction, and Electrical Construction work.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 2%.

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

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Miller Dunwiddie Architecture, Inc.; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Miller Dunwiddie Architecture, Inc.; 123 North Third Street, Suite 104; Minneapolis, Minnesota 55401; **phone:** (612) 337-0000; **fax:** (612) 337-0031. Make checks payable to Miller Dunwiddie Architecture, Inc. Deposit per set (refundable): \$100.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on April 30, 2012, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

## Metropolitan Airports Commission (MAC)

### Minneapolis-St. Paul International Airport

#### Notice of Call for Bids for 2012 Miscellaneous Construction

**MAC Contract No.:** 106-1-255  
**Bids Close At:** 2:00 PM on May 15, 2012

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for erosion-control installation, storm sewer rehabilitation near the Lindbergh Terminal Transit Center, casting assembly replacement, and turf area grading.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 5%.

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

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of TKDA, the Minneapolis and Saint Paul Builders Exchanges, McGraw-Hill Construction/Dodge, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; **phone:** (651) 292-4400, **fax:** (651) 292-0083. Make checks payable to: TKDA. Deposit per set (refundable): \$50.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on April 30, 2012, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).



**Several convenient ways to order:**

- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

**PREPAYMENT REQUIRED. Prices and availability subject to change.**

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

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

Company \_\_\_\_\_

Name \_\_\_\_\_

Street Address (Not deliverable to P.O. boxes) \_\_\_\_\_

City ( ) State Zip \_\_\_\_\_

Daytime phone (In case we have a question about your order) \_\_\_\_\_

Credit card number: \_\_\_\_\_

Expiration date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Shipping Charges**

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

Product Subtotal \_\_\_\_\_

Shipping \_\_\_\_\_

Subtotal \_\_\_\_\_

Sales tax \_\_\_\_\_

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

**TOTAL** \_\_\_\_\_

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