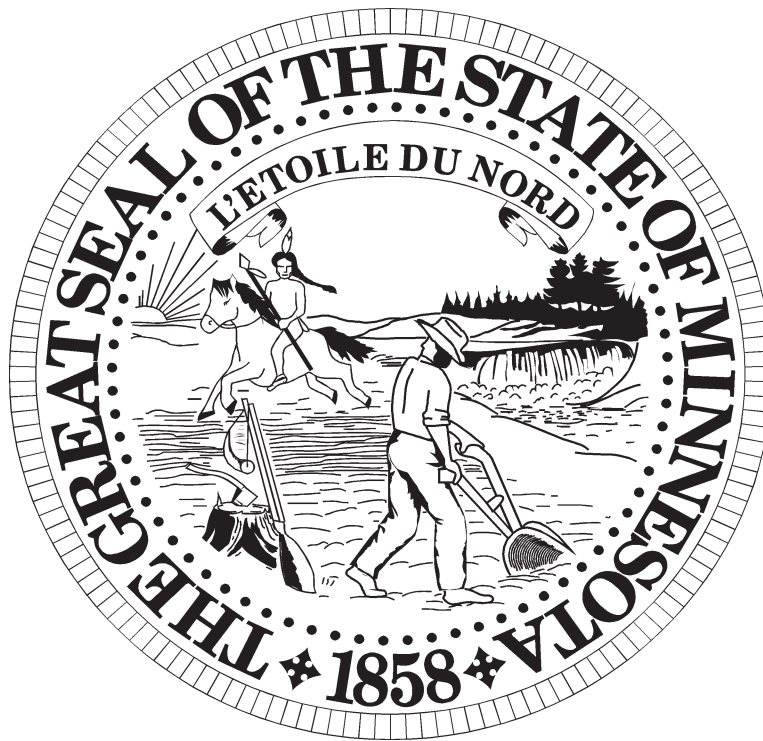


State of Minnesota

# 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- Withdrawn Rules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

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Vol. 37 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
# 46	Monday 13 May	Noon Tuesday 7 May	Noon Wednesday 1 May
# 47	Monday 20 May	Noon Tuesday 14 May	Noon Wednesday 8 May
# 48	<b>TUESDAY 28 MAY</b>	Noon Tuesday 21 May	Noon Wednesday 15 May
# 49	Monday 3 June	Noon Tuesday 28 May	Noon Wednesday 22 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. TTY relay service phone number: (800) 627-3529.

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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 Department of Natural Resources (DNR)

### Division of Ecological and Water Resources

#### Proposed Permanent Rules Relating to Falconry

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04112**

#### Proposed Amendments to Rules Relating to Falconry, *Minnesota Rules*, chapter 6238

**Proposed Repeal of Rules Relating to Falconry, *Minnesota Rules*, parts 6238.0100, subparts 1, 2, 3, 4, 4a, 5, 6a, 7, 7a, and 8; 6238.0200, subparts 1, 1a, 1b, 2, 3, 4, 4a, 5, 6 and 7; 6238.0500; 6238.0600; 6238.0700; 6238.0800; 6238.0900; 6238.1000; and 6238.1100**

**Introduction.** The Department of Natural Resources intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, June 27, 2013, the Department will hold a public hearing starting at 1:00 p.m. on Tuesday, July 9, 2013, in the Lobby Public Meeting Area of the DNR Central Office, 500 Lafayette Road, St. Paul, Minnesota 55155.

To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person or check the DNR website at <http://www.dnr.state.mn.us/input/rules/wildlife/raptor.html> after June 27, 2013, and before July 9, 2013.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Heidi Cyr at Minnesota Department of Natural Resources, **phone:** (651) 259-5107, **fax:** (651) 296-1811, and **e-mail:** [heidi.cyr@state.mn.us](mailto:heidi.cyr@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules update Minnesota's rules following revision of federal falconry regulations. The U.S. Fish and Wildlife Service required each state to adopt language that at a minimum conforms to the federal falconry regulations (approval deadline is September 2013). The proposed state regulations are supplemental to the federal regulations and clarify areas where the federal regulations give states discretion or where Minnesota regulations are more restrictive than federal regulations. The proposed regulations also:

# Proposed Rules

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- establish Minnesota-specific provisions that are necessary for program administration; prevent/control potential invasive species (non-native and hybrid raptors);
- create a take season for raptors (currently in the regulations, but extended in the proposed regulations);
- create a junior apprentice class for very young falconers with required adult participation and supervision;
- create “seasons of experience” necessary to advance between falconry classes;
- make necessary improvements to raptor propagation administration (creation of two propagator classes); and
- allow falconers to conduct abatement (removal of unwanted animals) using falconry raptors with a state abatement permit, which is not currently addressed in state regulations.

Because these changes required extensive alterations to the current regulations found under *Minnesota Rules*, parts 6238.0100 to 6238.1100, the proposed regulations will repeal the current rule parts and replace them with *Minnesota Rules*, parts 6238.1200 to 6238.1750.

The Department’s statutory authority to adopt the rules for falconry and raptor propagation is stated in *Minnesota Statutes*, sections 97A.401, 97B.105, and 97A.418. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above and is also available on the Department’s website at <http://www.dnr.state.mn.us/input/rules/wildlife/raptor.html>.

**Comments.** You have until 4:30 p.m. on Thursday, June 27, 2013, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Thursday, June 27, 2013. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

**Cancellation of Hearing.** The Department will cancel the hearing scheduled for July 9, 2013, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also check the Department website at: <http://www.dnr.state.mn.us/input/rules/wildlife/raptor.html> or call the agency contact person at (651) 259-5107 after June 27, 2013, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Jeanne

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# Proposed Rules

M. Cochran is assigned to conduct the hearing. Judge Cochran can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7838, and fax: (651) 361-7936.

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

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

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available on the Department website at: <http://www.dnr.state.mn.us/input/rules/rulemaking.html>. You may also review or obtain copies for the cost of reproduction by contacting the agency contact person.

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

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

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

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

Dated: 24 April 2013

Tom Landwehr, Commissioner  
Department of Natural Resources

## **6238.1200 DEFINITIONS.**

**Subpart 1. Scope.** The terms used in this chapter have the meanings given them in this part.

**Subp. 2. Abatement.** “Abatement” means using raptors to remove animals from undesirable locations through disturbance or capture.

**Subp. 3. Abatement permit.** “Abatement permit” means a permit issued under part 6238.1250, subpart 6, for residents to conduct abatement activities using raptors.

**Subp. 4. Bred in captivity or captive-bred.** “Bred in captivity” or “captive-bred” means raptors, including eggs, hatched or produced in captivity from parents that mated or otherwise transferred gametes in captivity or were artificially inseminated.

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Subp. 5. **Commissioner.** “Commissioner” means the commissioner of natural resources.

Subp. 6. **Eyases.** “Eyases” means young raptors not yet capable of sustained flight.

Subp. 7. **Falconry or practice of falconry.** “Falconry” or “practice of falconry” means training raptors for pursuit of wild game and hunting wild game with raptors. Falconry includes taking raptors from the wild to use in the sport and caring for, training, and transporting raptors held for falconry.

Subp. 8. **Falconry permit.** “Falconry permit” means a permit issued under part 6238.1250, subpart 2, for residents and for nonresidents who practice falconry in Minnesota for more than 120 days within a given year to take, possess, transport, transfer, use, sell, purchase, or barter raptors or offer to sell, purchase, or barter raptors.

Subp. 9. **Federal regulations.** “Federal regulations” means *Code of Federal Regulations*, title 50, sections 21.29 and 21.30.

Subp. 10. **Hacking.** “Hacking” means the temporary release of a falconry raptor or a raptor produced under a propagation permit to the wild so that it must survive on its own.

Subp. 11. **Hybrid.** “Hybrid” means offspring of birds listed as two or more distinct species or subspecies.

Subp. 12. **Imprinted raptor.** “Imprinted raptor” means a raptor that is hand-raised from two weeks of age until it has fledged and that has identified itself with humans rather than its own species. An imprinted raptor is considered to be so for its entire lifetime.

Subp. 13. **Nonresident take permit.** “Nonresident take permit” means a permit issued under part 6238.1250, subpart 4, for residents of the United States who are not Minnesota residents to take and possess wild Minnesota raptors while in Minnesota and to transport or receive wild Minnesota raptors directly from the state of Minnesota.

Subp. 14. **Passage raptor.** “Passage raptor” means a fledged juvenile raptor less than one year old that is capable of flight.

Subp. 15. **Propagation permit.** “Propagation permit” means a permit issued under part 6238.1250, subpart 5, for residents to breed and raise raptors; capture raptors from the wild; and possess, transport, import, purchase, barter, or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes.

Subp. 16. **Raptor.** “Raptor” means a bird of the family Falconidae, the great horned owl (*Bubo virginianus*), or a bird of the family Accipitridae, other than the bald eagle (*Haliaeetus leucocephalus*).

Subp. 17. **Raptors not native to Minnesota.** “Raptors not native to Minnesota” means any raptor species that does not naturally spend some portion of its life cycle, including migration, breeding, or wintering, in Minnesota.

Subp. 18. **Season.** “Season” in falconry means from May 1 to April 30 of the next year.

Subp. 19. **Season of experience.** “Season of experience” means the experience gained by a falconer who has one or more raptors in the falconer’s possession for a minimum of six calendar months within a season. Half months are counted from the first day of the month to the 15th day of the month or from the 16th day of the month to the last day of the month. Periods less than half months are not included in the total.

Subp. 20. **Take.** “Take” means to trap, capture, or attempt to trap or capture wild raptors, raptor eggs, or raptor semen for falconry or propagation purposes.

Subp. 21. **Wild Minnesota raptor.** “Wild Minnesota raptor” means a wild raptor that was removed from the wild within the state of Minnesota.

Subp. 22. **Wild raptor.** “Wild raptor” means a raptor or raptor egg removed from the wild for falconry or propagation. A wild raptor remains a wild raptor regardless of how long the bird is held in captivity or whether the bird is transferred to another permittee or permit type; however, the wild raptor is considered to be taken from the wild only by the person who originally captured the raptor. The wild



raptor is not considered to be taken from the wild by any subsequent permittee to whom the raptor is legally transferred.

## **6238.1250 PERMIT REQUIREMENTS.**

Subpart 1. **State and federal regulations.** All persons conducting activities under subparts 2 to 6 must comply with all applicable provisions of this chapter and federal regulations. Permits issued under this part shall include:

A. conditions that specify measures to prevent adverse impacts to wild populations;

B. restrictions for compliance with other game and fish laws; and

C. other restrictions the commissioner deems necessary for public health and safety and for the welfare of raptors described in this chapter.

Subp. 2. **Resident falconry permit requirements.** All Minnesota residents who practice falconry within the state must obtain a Minnesota falconry permit from the commissioner. A person must not take, possess, transport, transfer, use, sell, purchase, or barter raptors or offer to sell, purchase, or barter raptors or their eggs without a falconry permit issued under this subpart, except as provided under subparts 3 to 5 and Minnesota Statutes, section 97A.401.

### **Subp. 3. Nonresident falconry permit requirements.**

A. This subpart applies to a resident of the United States who is not a Minnesota resident and who has in possession a valid permit or other written documentation that authorizes the person to practice falconry in the state, tribe, or territory of the person's residence.

B. A nonresident described under item A who moves to Minnesota or who practices falconry in Minnesota for 120 days or more within a given year must obtain a Minnesota falconry permit. The nonresident must submit a copy of the permit or documentation that authorizes the person to practice falconry in the state, tribe, or territory of the person's residence and apply for a Minnesota falconry permit under part 6238.1300, except that the nonresident need only comply with part 6238.1300, subpart 1, items C and D. If approved, the Minnesota permit shall be for the same or an equivalent permit class listed on the falconry permit of the state, tribe, or territory of the person's residence.

C. A nonresident described under item A may transport, possess, and use raptors for falconry purposes without obtaining a Minnesota falconry permit, provided such activities do not exceed 120 days within a given year.

D. While in this state, nonresidents conducting activities under this subpart must comply with all applicable provisions of this chapter.

E. A nonresident described under item A may acquire, transfer, and sell propagated raptors or their eggs or transfer wild raptors that are not wild Minnesota raptors from or to a person with a falconry or propagation permit issued under this part.

F. For all raptors acquired under this subpart, a nonresident must submit the report required under part 6238.1650, subpart 1, to the commissioner, in addition to any required reporting to the person's state of residence.

Subp. 4. **Nonresident take permit requirements.** A nonresident described in subpart 3, item A, must obtain a nonresident take permit, issued by the commissioner, to take and possess wild Minnesota raptors while in Minnesota and to transport or receive wild Minnesota raptors directly from the state of Minnesota, except that a nonresident described in subpart 3, item B, who has obtained a Minnesota falconry permit does not need a nonresident take permit unless the nonresident is removing a wild Minnesota raptor from the state of Minnesota. Nonresident take permits are valid for up to one year and do not need to be renewed to maintain possession of a wild Minnesota raptor previously transported outside of Minnesota under a valid nonresident take permit. The nonresident take permittee must submit a summary of the activities conducted under the permit to the commissioner by January 31 of the following year. Nonresident take permittees must follow all other applicable provisions under subpart 3.

Subp. 5. **Propagation permit requirements.** A person must obtain a propagation permit, issued by the commissioner, to breed or raise raptors; capture raptors from the wild for propagation purposes; or possess, transport, import, purchase, barter, or offer to sell, purchase, or barter any raptor, raptor egg, or raptor semen for propagation purposes.

Subp. 6. **Abatement permit requirements.** A person must obtain an abatement permit, issued by the commissioner, to use raptors

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to remove animals from undesirable locations through disturbance or capture or to remove animals under a state or federal depredation permit through disturbance or capture. Other permits or licenses may be required under game and fish laws for the capture or taking of animals. An abatement permit may contain specifications on raptors authorized for use in abatement activities; qualifications, requirements, and restrictions for subpermittees; requirements on raptor transfers between abatement permittees and their subpermittees; and other requirements necessary to administer abatement permits, the raptors used for abatement, and abatement jobs performed. Minnesota falconers do not need an abatement permit to disturb or capture game species during the game season, provided no payment is received for the activity and they have the appropriate game permit, license, or stamp for the game to be taken or disturbed.

## **6238.1300 PERMIT QUALIFICATIONS.**

**Subpart 1. Permit application.** A form, provided by the commissioner, must be submitted to obtain the following permits and renewal of the following permits: falconry, nonresident take, propagation, abatement, and eagle. The commissioner shall specify the information or supporting documentation required on the application, including information or documentation required by federal regulations. In addition to other requested documentation, the documentation under items A to D must be submitted for falconry permits and the documentation under items C and D must be submitted for propagation and abatement permits:

A. documentation of a passing score of at least 80 percent on a supervised examination provided by the commissioner. A person who fails to score at least 80 percent on the examination must wait a minimum of two weeks before retaking the examination;

B. a sponsorship acceptance letter from a sponsor for an individual who is applying for a falconry permit at the junior apprentice or apprentice level, who is a new resident of the United States, or who has had a falconry permit revoked and is eligible for reinstatement;

C. documentation of inspection and approval of the applicant's raptor equipment and housing facilities, including indoor mews and outdoor weathering area, by an agent of the commissioner to ensure compliance with standards under federal regulations. This item also applies to permit renewal and upgrade. Other documentation, such as photographs and schematics, must be submitted when multiple raptors will be housed in the permittee's facilities; and

D. a form provided by the commissioner and signed by the applicant stating that the falconer or propagator has read and understands all applicable state and federal regulations; will maintain the facilities and equipment according to federal regulations for the duration of the permit; and will allow inspection of the facilities, equipment, raptors, and supporting documentation according to federal regulations.

**Subp. 2. Propagation permits.** To obtain a propagation permit, in addition to the requirements in subpart 1, a person must:

A. be the holder of a valid master falconry permit in good standing under part 6238.1350, item D; or

B. demonstrate through written or other documentation at least two years' experience propagating raptors and:

(1) have a valid general falconry permit in good standing under part 6238.1350, item C, with 24 months' experience with a raptor at the general level; or

(2) be conducting research on raptors for an educational or governmental institution and submit a research proposal.

**Subp. 3. Eagle permits.** A master falconer in good standing may apply to possess up to three eagles, which count as part of the falconer's raptor possession limit. To obtain an eagle permit, falconers must submit the supporting documentation required by federal regulations. Falconers may not possess bald eagles under a permit issued under this subpart.

**Subp. 4. Abatement permits.** To obtain an abatement permit, a person must be the holder of a valid master falconry permit in good standing under part 6238.1350, item D, in addition to the requirements in subpart 1. Holders of a valid master falconry permit in good standing under part 6238.1350, item D, or a valid general falconry permit in good standing under part 6238.1350, item C, may conduct abatement activities as subpermittees of a holder of an abatement permit.

## **6238.1350 PERMIT CLASSES; REQUIREMENTS.**

Specifications for permit classes are contained in items A to F. Permittees under all permit classes are only allowed to take or possess raptors defined under part 6238.1200, subpart 16, unless further restricted in this part and in federal regulations.

A. A junior apprentice falconry permittee:

(1) must be at least 12 years old and less than 16 years old;

(2) must have a parent or legal guardian sign the application. The parent or guardian must agree to take legal responsibility for the

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activities of the permittee:

(3) must have a sponsor who is the holder of a valid master falconry permit or who is the holder of a valid general falconry permit and has two seasons of experience or 24 total months of experience with the sponsor's own raptors at the general level. A sponsor must not have more than three apprentices at any one time. A permittee must notify the commissioner within ten days if there is a change in sponsorship;

(4) must not possess more than one raptor and must not obtain more than two wild raptors for replacement during any season;

(5) must house the raptor at the legal residence of an adult, preferably a parent or legal guardian, who is in possession of a valid falconry permit or at the permitted location of the adult's raptors. If the adult falconry permittee is an apprentice, only one raptor is allowed under either the junior apprentice falconry permit or the adult's permit unless the raptor is housed with the sponsor;

(6) may take and possess only red-tailed hawk (*Buteo jamaicensis*); and

(7) must not possess an imprinted raptor or a raptor that was taken from the wild as a nestling.

## B. An apprentice falconry permittee:

(1) must be at least 16 years old;

(2) must have a parent or legal guardian sign the application if the permittee is under 18 years old, in which case the parent or guardian must agree to take legal responsibility for the activities of the permittee;

(3) must have a sponsor, regardless of the age of the permittee. A permittee must notify the commissioner within ten days if there is a change in sponsorship. A sponsor must be the holder of a valid master falconry permit or the holder of a valid general falconry permit who has two seasons of experience or 24 total months of experience with the sponsor's own raptors at the general level. A sponsor may have no more than three apprentices at any one time. All new residents of the United States age 16 or older must be initially permitted at the apprentice level. After a minimum of four months of practicing falconry with their own raptors, new residents of the United States with falconry records from their country of origin and their sponsor's approval may apply for a general or master falconry permit;

(4) must not possess more than one raptor and must not obtain more than two wild raptors for replacement during any season;

(5) may take and possess only passage red-tailed hawk (*Buteo jamaicensis*), except that, with approval from the permittee's sponsor, an apprentice permittee with a minimum of two seasons of experience may take and possess any raptor allowed for an apprentice class falconer under federal regulations and under part 6238.1200, subpart 16; and

(6) must not possess an imprinted raptor or a raptor that was taken from the wild as a nestling.

## C. A general falconry permittee:

(1) must be at least 18 years old;

(2) must submit documentation from the permittee's junior apprentice or apprentice sponsor stating that the permittee has practiced falconry under the sponsor's supervision as a junior apprentice or apprentice falconer for at least two seasons of experience with the permittee's own raptors and the permittee's training included capturing, maintaining, training, flying, hunting, and releasing raptors;

(3) must not possess more than two raptors and must not obtain more than two wild raptors for replacement during any season;

(4) may take and possess any raptor, except the permittee must not possess, take, or transport a bald eagle, white-tailed eagle (*Haliaeetus albicilla*), Steller's sea-eagle (*Haliaeetus pelagicus*), or golden eagle (*Aquila chrysaetos*) or any species listed as threatened or endangered under state or federal regulations; and

(5) may possess captive-bred raptors and hybrids.

## D. A master falconry permittee:

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(1) must have at least five seasons of experience with the permittee's own raptors as a general falconer;

(2) must not possess more than five raptors except as authorized under an abatement permit under part 6238.1250, subpart 6;

(3) must not possess more than three wild raptors at any time;

(4) must not obtain more than two wild raptors during any season;

(5) must not take any species listed as endangered in state or federal regulations, but may transport or possess endangered species according to applicable rules;

(6) must not take, transport, or possess a golden eagle, white-tailed eagle, or Steller's sea-eagle for falconry purposes, unless authorized in writing according to appropriate federal regulations and approved by the commissioner; and

(7) must not take in any 12-month period, as a part of the three wild raptor limitation, more than one raptor listed as threatened in state or federal regulations, and then only according to applicable state and federal regulations.

## E. A propagation permittee:

(1) must meet the minimum qualifications under part 6238.1300, subpart 2, and must comply with all applicable provisions in this chapter and associated federal regulations under *Code of Federal Regulations*, title 50, sections 21.29 and 21.30;

(2) must not possess more than six raptors under the propagation permit as a standard propagator unless:

(a) the propagation is conducted for a specialized purpose such as education, business, reintroduction, research, abatement, or another similar activity authorized by the commissioner; and

(b) the propagator has submitted a proposal or business plan that outlines the number and type of raptors to be propagated, facility schematics, number of assistants that are necessary to care for the raptors, documentation necessary to determine compliance with state law pertaining to the operation of large animal facilities, and other information the commissioner deems necessary for public health and safety and for the welfare of the raptors;

(3) must transfer propagated young to another permit type or permittee within one year of hatch unless the propagated young will be included under the six raptor limit for standard propagators or included under the limit specified in the permit of a specialized propagation program issued under subitem (2), units (a) and (b). If the propagated raptors are to be released to the wild, the propagator must comply with part 6238.1500 and federal regulations;

(4) must have adequate raptor propagation facilities maintained according to federal regulations for the number and species of raptors to be held under the permit;

(5) must not take more than two passage raptors from the wild per year under the permit, which also counts against the take limit under a general or a master falconry permit held by the propagation permittee;

(6) must not possess more than six wild raptors total, including the number of wild raptors possessed under a general or master falconry permit held by the propagation permittee; and

(7) must submit a completed propagation form provided by the commissioner by January 31 of each year for January 1 through December 31 of the preceding year.

## F. An abatement permittee:

(1) must meet the minimum qualifications under part 6238.1300, subpart 4, and must comply with all applicable provisions in this chapter, associated federal regulations under *Code of Federal Regulations*, title 50, section 21.29, and federal abatement regulations and requirements;

(2) may have subpermittees under the permittee's abatement permit. A subpermittee must be a Minnesota falconer with a valid general or master falconry permit;

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(3) is responsible for the conduct of subpermittees on the permit while the subpermittees conduct abatement activities;

(4) must not use wild raptors in abatement activities;

(5) must not use golden eagles in abatement activities;

(6) must carry a copy of the abatement permit while conducting abatement activities. A subpermittee must carry a copy of the abatement permit that the subpermittee is working under while conducting abatement activities;

(7) may possess additional propagated raptors under a falconry permit for abatement use, provided the permittee submits a proposal or business plan that outlines the number and type of raptors, facility schematics, number of assistants that are necessary to care for the raptors, documentation necessary to determine compliance with state law pertaining to the operation of large animal facilities, and other information the commissioner deems necessary for public health and safety and for the welfare of the raptors; and

(8) must submit a completed abatement form provided by the commissioner by January 31 of each year for January 1 to December 31 of the preceding year.

## **6238.1400 RESTRICTIONS ON TAKING RAPTORS.**

### **Subpart 1. Raptors taken in Minnesota.**

A. A permittee taking raptors from the wild in this state must comply with this part and applicable federal regulations.

B. The commissioner may include conditions in a permit to prevent depletion of wild raptor populations. These conditions include:

(1) limits on the number of raptors that may be taken;

(2) restrictions on species of raptors that may be taken;

(3) limits on the geographical area where raptors may be taken;

(4) restrictions on when raptors may be taken; and

(5) other similar conditions that the commissioner deems necessary to prevent depletion of wild raptor populations.

C. A trap used to capture raptors must be attended at all times, except a trap that entirely encapsulates the raptor within a protective cage must be checked at least once every 24 hours.

D. If a raptor is injured while a permittee is attempting to take the raptor, the permittee must report the injury to the commissioner, whether the raptor is kept or given directly to a veterinarian, a permitted wildlife rehabilitator, or an appropriate wildlife agency employee as provided under federal regulations.

E. Permits under this chapter do not authorize trespass. A permittee must not take raptors within state parks, state scientific and natural areas, state wildlife management areas, or state game refuges unless specifically authorized in a permit from the commissioner. A permittee must not take raptors from private property without permission from the property owner.

F. Taking a raptor from the wild, as well as any subsequent transfer of the wild raptor, must be reported according to federal regulations, with the reporting form submitted to the commissioner according to part 6238.1650, subpart 1, within ten days of the taking or transfer.

G. Wild raptors must not be purchased, sold, traded, or bartered, but may only be transferred or released. As provided under federal regulations, a raptor may be transferred to another permit type if the recipient of the raptor, which could be the possessor, has the necessary permit for the other activity. Both the transferor and transferee must report the transfer to the commissioner within ten days by submitting a reporting form under part 6238.1650, subpart 1, and each must also submit any documentation required under federal regulations, such as veterinarian or rehabilitator certification, at that time.

### **Subp. 2. Raptor take time periods.**

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A. Eyases may be taken from the wild from May 27 through July 31 only. A person must be a general or master falconer or have the equivalent classification in the person's state, tribe, or territory of residence to take eyases from the wild. A permittee must not take more than two eyases during a calendar year. At least one eyas must be left in a nest from which other eyases are taken.

B. Passage raptors may be taken from the wild from August 21 through February 28 only.

C. A permittee under this chapter must not take raptors over one year old from the wild, except for:

(1) American kestrels and great horned owls; and

(2) any raptor, other than state or federally listed endangered or threatened species, taken under a depredation or special purpose permit under *Minnesota Statutes*, section 97A.401, and used for falconry by general or master falconers.

## **6238.1450 RESTRICTIONS ON IMPORTING RAPTORS INTO MINNESOTA.**

Subpart 1. **Importing hybrid raptors and raptors not native to Minnesota.** A permittee who plans to obtain a hybrid raptor or raptor not native to Minnesota from outside the state must notify the commissioner ten days before importing the raptor and must submit a reporting form under part 6238.1650, subpart 1, to the commissioner within ten days of obtaining the raptor. A permittee must obtain the required Board of Animal Health certification from a veterinarian and submit a copy to the commissioner before importation.

Subp. 2. **Importing raptors native to Minnesota.** A permittee who obtains a raptor that is native to Minnesota while outside the state must submit a reporting form under part 6238.1650, subpart 1, to the commissioner within ten days of obtaining the raptor. A permittee must obtain the required Board of Animal Health certification from a veterinarian and submit a copy to the commissioner before importation.

## **6238.1500 FLYING AND INTENTIONAL RELEASE OF RAPTORS.**

Subpart 1. **Flying raptors.** Permits under this chapter do not authorize trespass. All applicable state and federal trespass regulations must be followed. Further restrictions on the practice of hunting by falconry are provided under part 6234.0800 and in federal regulations. All applicable state and federal game and fish laws, licenses, permits, and stamps apply for taking game.

Subp. 2. **Flying hybrid raptors or raptors not native to Minnesota.** When flown free, a hybrid raptor or a raptor that is not native to Minnesota must have at least two functioning radio transmitters attached to assist in locating the raptor. A raptor listed as an unregulated species under part 6216.0270 is exempt from this subpart. A raptor designated as appropriate for introduction according to the process under part 6216.0290 for the review of proposed introductions of unlisted nonnative species is exempt from this subpart.

Subp. 3. **Intentional release of raptors.** A person must not permanently release a hybrid raptor into the wild. A person must not permanently release a raptor that is not native to Minnesota into the wild. A person releasing a raptor into the wild:

A. must obtain permission from the commissioner to release a captive-bred raptor species that is native to Minnesota;

B. may hack the raptor and allow it to adjust to the wild, at an appropriate time of year and an appropriate location, according to federal regulations;

C. must make a reasonable determination that a raptor held in captivity for an extended period of time can capture and consume native prey prior to release into the wild;

D. must release the raptor only at an appropriate time of year and an appropriate location for the species to be released;

E. must remove falconry bands before release and surrender the bands to the commissioner, but propagation bands must be left in place; and

F. must report release of the raptor within ten days as provided under part 6238.1650, subpart 1.

## **6238.1550 TRANSPORTING, RELOCATING, AND HOLDING RAPTORS.**

Subpart 1. **State and federal regulations.** This part and applicable federal regulations apply when transporting, relocating, housing, and temporarily holding raptors in the state.

Subp. 2. **Carrying permit when trapping, transporting, working with, or flying raptor.** A person trapping, transporting, working

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with, or flying raptors must have the person's permits, or legible copies of the permits, in the person's immediate possession when not at the location of the person's permitted raptor facilities.

Subp. 3. **Permanent change of address.** A person with a falconry or propagation permit must report a permanent change in the location of permitted facilities to the commissioner within five days following the move. Until new facilities are inspected, the permittee must house raptors as described under subpart 7. Persons moving out of state must comply with required notifications under federal regulations.

Subp. 4. **Multiple facilities; part-year residents.** If a permittee houses permitted raptors in a location other than the permittee's primary facilities for more than 120 consecutive days, the facilities at the other location must comply with federal regulations and be listed on the permit. A permittee who resides part of the year in another jurisdiction may be required to obtain a permit in the state, tribe, or territory where the permittee lives part time.

Subp. 5. **Location of facilities.** Falconry facilities may be on property not owned by the permittee if the permittee's primary residence is also located at that property. The falconry facilities may be on property owned by the permittee that is not the permittee's primary residence if the facilities are 30 miles or less from the permittee's primary residence or if the facilities are over 30 miles from the permittee's primary residence and used for 120 days or less annually. Regardless of location, the raptors must be maintained in a humane and healthy manner, and the facilities must comply with federal regulations.

Subp. 6. **Temporary care.** A permitted raptor, including a nestling, may be temporarily held by a person other than the permittee according to federal regulations. The permittee must inform the commissioner, in writing, within ten days of the transfer, specifying where the raptor is being held, the reason for the transfer, who is to care for the raptor, what that person is allowed to do with the raptor, and approximately how many days the raptor is expected to be in the care of the person. If the person caring for the raptor is a permitted falconer or propagator, the raptor must be reported as a loan or transfer with appropriate paperwork submitted within ten days as provided under part 6238.1650, subpart 1.

Subp. 7. **Temporary facilities.** A raptor may be transported or held in temporary facilities for a period not to exceed 30 days, unless written authorization to extend the period is obtained from the commissioner. The temporary facilities must provide a suitable perch and protection from predators, domestic animals, extreme temperatures, wind, and excessive disturbance. If the temporary facilities are to be used more than 120 calendar days, the falconry permittee must follow federal regulations for falconry facilities, have the facilities inspected, and request an updated permit with the change of address or the addition of the secondary housing location.

## **6238.1600 BANDING OR TAGGING OF RAPTORS.**

A. All propagated and wild raptors for falconry or propagation purposes must be banded according to federal regulations, except that banding applies to all raptor species and hybrid raptors. In addition to bands, a permittee may use International Organization for Standardization (ISO)-compliant microchips (134.2 kHz), but microchips must not be used alone unless the permittee provides documentation of health issues or injury that prevents the use of the bands on the raptor according to federal regulations.

B. Captive-bred nestlings must be banded with a numbered, seamless metal United States Fish and Wildlife Service band provided by the United States Fish and Wildlife Service or by the commissioner. The band is generally referred to as a propagation band.

C. Propagated raptors that have been transferred to another permit type or permittee or that have lost their propagation band and wild raptors must be banded with a permanent, nonreusable, numbered plastic United States Fish and Wildlife Service leg band supplied by the commissioner. The band is generally referred to as a falconry band.

D. Eagles must be banded with an eagle band provided by the United States Fish and Wildlife Service or by the commissioner. The band is generally referred to as an eagle band.

## **6238.1650 REPORTING REQUIREMENTS.**

### **Subpart 1. Required federal reporting; permittee's duties.**

A. A permittee must comply with reporting requirements under federal regulations and must submit a paper or digital copy of the federal reporting form to the commissioner within ten days of the date that:

- (1) the permittee takes, purchases, receives, or otherwise acquires a raptor;

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(2) the permittee sells, barter, or otherwise disposes of a raptor;

(3) the permittee transfers a raptor to another type of permit (their own or that of another permittee), except that falconers do not need to transfer a raptor from a falconry permit to the permittee's own propagation permit if the raptor is used in propagation for less than eight months in a given year;

(4) the permittee loans a raptor or has a raptor returned from a loan. A raptor may be loaned between falconers or propagators for up to 120 days, after which the raptor must be either returned to the permittee or transferred to the recipient's permit. During the time of loan, the raptor counts toward the limit of the original holder. Upon transfer, the raptor counts toward the limit of the recipient;

(5) the permittee loses a raptor to the wild and does not recover the raptor within 30 days, except that hybrid raptors and raptors not native to Minnesota must also be reported within 48 hours according to the invasive species rules under part 6216.0280;

(6) a raptor dies while under a permit;

(7) a raptor is stolen from the permittee; or

(8) the permittee rebands or microchips a raptor, except that old band removal must be reported within five days. The reporting form must include the old band number and the new band or microchip number.

B. Under item A, subitems (2) to (4), a permittee must verify that any person receiving a raptor from the permittee has obtained all required permits necessary to receive the raptor.

C. A permittee must keep copies of all submissions listed under item A for a minimum of five years from the submission date.

Subp. 2. **Required possession reporting.** Annually or as requested according to federal regulations, holders of falconry and propagation permits must report to the commissioner:

A. for all raptors in possession at the time of the report, the species, band numbers, sex (if known), and age (if known); whether wild or propagated; the date acquired; and where and, if applicable, from whom acquired;

B. for all raptors possessed since the previously submitted report but no longer in possession at the time of the current report, the species, band numbers, sex (if known), and age (if known); the date acquired; where and, if applicable, from whom acquired; and the date of disposition listing to whom given or whether the raptor escaped, died, or was released; and

C. all unused bands in possession.

## **6238.1700 PERMIT DURATION, RENEWAL, AND TERMINATION.**

Subpart 1. **Duration of permits; nontransferable.** Falconry, propagation, and abatement permits are valid for three years or until September 30 of the third year following issuance, whichever comes first. Nonresident take permits are valid for one year or until December 31, whichever comes first. Permits are not transferable.

Subp. 2. **Permit renewal.** Falconry, abatement, and propagation permits are renewable. A request for renewal must be made at least 30 days before the permit expiration date.

Subp. 3. **Transfer of raptors if permittee dies.** A surviving spouse, executor, administrator, or other legal representative of a deceased permittee may transfer or sell any propagated raptor or transfer any wild raptor held by the permittee to another permittee authorized to possess raptors within 90 days of the death of the permittee, provided the recipient is allowed to possess that species and the recipient's permit raptor quota is not exceeded. The commissioner shall make temporary exceptions in quota or species in order to place a raptor, if necessary. The transaction must be reported within ten days as provided under part 6238.1650, subpart 1. Wild Minnesota raptors must either be released according to part 6238.1500, subpart 3, or transferred to another falconer. After 90 days, disposition of a raptor held under the permit of a deceased person is at the discretion of the commissioner.

Subp. 4. **Permit revocation.** A permittee violating this chapter is subject to permit revocation, and all raptors held are subject to seizure and confiscation in the manner provided by law. If a permit issued under this chapter is revoked, all other permits that the permittee



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## Proposed Rules

holds under this chapter shall be revoked at that time. For any activities under this chapter that also require federal permits, if the permittee's federal permit is revoked, the associated state permit shall be revoked pending reinstatement of the federal permit. Permittees who have any incidence of raptor mortality or a high incidence of raptor loss are subject to additional review. Examples of review are additional inspections and required submission of veterinarian's or rehabilitator's notes or necropsies on the subject raptors. If evidence is provided to the commissioner that the permittee is neglecting the health, safety, or welfare of raptors in the permittee's possession, the permittee is subject to one or more of the following measures:

A. reduction in permit class;

B. required sponsorship; or

C. permit revocation.

### **6238.1750 DISCLAIMER OF LIABILITY.**

A permit issued under this chapter is permissive only and no liability is incurred by the state or by any of its officers, agents, or employees by reason of issuing the permit or by reason of any acts or operations of the permittee or any wildlife. At all times, the state, its officers, agents, and employees are held harmless from any liability for damage or injury arising from issuing the permit.

**REPEALER.** Minnesota Rules, parts 6238.0100, subparts 1, 2, 3, 4, 4a, 5, 6a, 7, 7a, and 8; 6238.0200, subparts 1, 1a, 1b, 2, 3, 4, 4a, 5, 6, and 7; 6238.0300; 6238.0400; 6238.0500; 6238.0600; 6238.0700; 6238.0800; 6238.0900; 6238.1000; and 6238.1100, 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 statute 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.

## Department of Education (MDE) Adopted Permanent Rules Relating to Social Studies Academic Standards

The rules proposed and published at *State Register*, Volume 37, Number 18, pages 659-672, October 29, 2012 (37 SR 659), are adopted as proposed.

# 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.

## Finding Aids for Subscribers

Only subscribers can view all Official Notices, including the current volume as it grows. 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.

- E-mailed to you on Friday
- Indexes from Vol. 27 to most current issue
- All Contracts & Grants Open for Bid
- Access to *State Register* Archives
- LINKS
- WORD SEARCH Capability

Subscribe today. Subscriptions cost \$180 a year (an \$80 savings). You will receive the *State Register* via **e-mail** at the 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)

## Executive Council, State Board of Investment, Land Exchange Board, Investment Advisory Council

### Official Notice of Meetings of the Investment Advisory Council on May 16, 2013 and of the Executive Council, State Board of Investment and Land Exchange Board on June 5, 2013

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, June 5, 2013 at 9:00 A.M. in Room 123, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Thursday, May 16, 2013 at 10:00 A.M. at the State Board of Investment, Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

## Minnesota 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 1, 2013 until May 31, 2013:

- 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 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 March 13, 2013 until May 12, 2013:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, 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 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.

Readers are also advised to check the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html>

## Additional Funding Sources

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**
- **Indices from Vol. 27 to most current issue**
- **E-mailed to you on Friday**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **“Contracts & Grants” Open for Bid**

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)

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.

## Minnesota Housing Finance Agency (MHFA) Notice of Request for Proposals (RFP) for Administrators for the 2013-2014 Homeownership Education, Counseling and Training Fund (HECAT)

The Minnesota Housing Finance Agency (Minnesota Housing), Minnesota Homeownership Center (the Center), and Greater Minnesota Housing Fund (GMHF) announce the availability of funds under the Homeownership Education, Counseling and Training Fund (HECAT). The RFP’s focus is to provide financial support to eligible organizations to deliver a variety of homebuyer/homeowner education, counseling and training services to Minnesotans. Services include homebuyer education and counseling, home equity conversion counseling, and foreclosure prevention counseling. Proposals are solicited from community-based non-profit organizations as defined in *Minnesota Statutes* 2012, section 462A.03, subdivision 22.

The RFP, Guide and Instruction along with Technical Assistance information will be available May 6, 2013 on **Minnesota Housing’s web site**.

All RFPs must be received by Minnesota Housing, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101-1998 on or before **3:00 p.m., Monday, June 10, 2013**. Faxed, late or incomplete applications will not be accepted. If you have questions please contact Nancy Slattsveen at (651) 296-7994 or via **e-mail** at: [nancy.slattsveen@state.mn.us](mailto:nancy.slattsveen@state.mn.us)

# State Contracts

Besides the following listing of state contracts, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> , as well as the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html> .

**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.

## Find and Follow Past Contracts and RFPs

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

- **Word Search Capability**
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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.

## Minnesota State Colleges and Universities (MnSCU) Metropolitan State University Request for Proposals for Delivered Catering

**NOTICE IS HEREBY GIVEN** that proposals will be received by the Director of Purchasing, Metropolitan State University, until 2:00 pm, Central Daylight Time on June 28, 2013, for the purpose of providing delivered catering for the Minnesota State Colleges and Universities, Metropolitan State University located at the Saint Paul Campus at 700 East Seventh Street, Saint Paul, MN and the Midway Campuses at 1450 Energy Park Drive, Saint Paul, MN and 1380 Energy Lane, Saint Paul, MN according to the specifications on file at Metropolitan State University 700 East 7<sup>th</sup> Street, Saint Paul, MN 55106.

A complete copy of the Request for Proposal can be found on the Metropolitan State University web site,  
[http://www.metrostate.edu/msweb/resources/depts\\_services/bldg\\_services/RFP.html](http://www.metrostate.edu/msweb/resources/depts_services/bldg_services/RFP.html)

Institution: Metropolitan State University  
Name: Aksana Belik  
Title: Purchasing Coordinator/Buyer  
Mailing Address: 700 East 7<sup>th</sup> Street, Founders Hall Room 329  
Saint Paul, MN 55106.

Sealed proposals can be hand delivered to the cashiers' window at Founders Hall, Room 327 on the Saint Paul Campus or mailed at the above address. Proposals received after this date and time will be rejected and returned unopened.

# State Contracts

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Faxed or electronic proposals are not accepted. This request for proposal does not obligate the State to complete the proposal project and the state reserves the right to cancel the solicitation process if it is considered to be in its best interest.

There will be a pre-award vendors conference scheduled for Thursday, May 23, 2013 from 1:00 – 3:00 pm CDT in Room Founders Hall L118 on the Saint Paul campus.

## Minnesota State Colleges and Universities (MnSCU) North Hennepin Community College Notice of Request for Web Printer for its Fall 2013 Magazine

North Hennepin Community College seeking a web printer to print and mail its Fall 2013 magazine with a quantity of 180,000 of which 175,000 will be mailed. Size of the folded magazine is 8.25" x 10.625". Thirty-two pages on 60# #4 enamel and an additional 4-page cover on 80# #4 enamel. All pages will be 4/4 with bleeds and a variety of ink coverage ranging from medium light to heavy.

Please see <http://www.nhcc.edu/about-nhcc/publications> for complete RFP request for deadlines and requirements.

Deadline is Friday, May 10, 2013 at 3:00 p.m. Central Time.

**Contact:** Janet McClelland  
**Address:** 7411 - 85<sup>th</sup> Ave. N  
Brooklyn Park, MN 55445  
**Phone:** (763) 424-0926  
**E-mail:** [jmcclelland@nhcc.edu](mailto:jmcclelland@nhcc.edu)

## Minnesota State Colleges and Universities (MnSCU) Northland Community and Technical College Notice of Request for Proposal for Lease of Contiguous Apartment Units

**NOTICE IS HEREBY GIVEN** that Northland Community and Technical College Request for Proposal (RFP) for lease of contiguous apartments units in the city of Thief River Falls, Minnesota, to accommodate approximately 75-125 students from August 1, 2013 through July 31, 2014. To receive a copy of the full RFP, please contact Becky Lindseth either by telephone (218) 793-2476 or **e-mail** at [Becky.Lindseth@northlandcollege.edu](mailto:Becky.Lindseth@northlandcollege.edu).

Proposals are due by 3:00 p.m. central time, Friday, May 17, 2013, and are to be addressed to Becky Lindseth, Northland Community and Technical College, 2022 Central Avenue NE, East Grand Forks, MN 56721. Any questions should be in the form of an RFI and directed to Becky Lindseth at **e-mail:** [Becky.Lindseth@northlandcollege.edu](mailto:Becky.Lindseth@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.

### Minnesota Office of Higher Education (MOHE) Notice of Request for Proposals: Web-based Data Collection and Maintenance System — Get Ready/GEARUP Program

The Minnesota Higher Education Services is requesting proposals from qualified professionals to provide a web-based data collection and maintenance system for purposes of its Get Ready/GEARUP Program. Proposals must be submitted **no later than 3:30p.m., Central Daylight Time, on May 28, 2013.**

The Request for Proposals (RFP) does not obligate the Minnesota Office of Higher Education (MOHE) to complete this project, and the MOHE reserves the right to cancel the solicitation if it is considered to be in its best interest.

Copies of the complete RFP are available from:

Tom Bartholomay  
Get Ready Evaluation and Research Manager  
Minnesota Higher Education Services Office  
1450 Energy Park Drive, Suite 350  
St. Paul, MN 55108-5227  
**Phone:** (651) 259-3934  
**E-mail:** [Tom.bartholomay@state.mn.us](mailto:Tom.bartholomay@state.mn.us)  
The RFP is also posted at: [www.ohe.state.mn.us](http://www.ohe.state.mn.us)

### Iron Range Resources and Rehabilitation Board (IRRRB) Request for Proposal (RFP) for Financial Advisor Services

Iron Range Resources and Rehabilitation Board (IRRRB) is seeking proposals from qualified firms to serve as financial advisor to the IRRRB in regard to the potential refinancing of an issuance of \$15.145 million of tax-exempt educational facilities revenue bonds, series 2006, under the authority of Minnesota Statutes Section 298.2211 and 2005 Laws of Minnesota, Chapter 152, Article 1, Section 39, for the possible issue of original bonds, and for other tasks or services customary when considering the issuance or financing of state obligations.

Work is proposed to start after June 1, 2013.

A Request for Proposal will be available by mail, e-mail or fax from this office through Tuesday, May 21, 2013. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Kim Peterson  
Iron Range Resources and Rehabilitation Board  
P.O. Box 441  
4261 Highway 53 South  
Eveleth, MN 55734  
**Fax:** (218) 735-3048  
**E-mail:** [Kim.Peterson@state.mn.us](mailto:Kim.Peterson@state.mn.us)

Seals proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **Tuesday, May 28, 2013 at 3:00 p.m. Central Daylight Time. Late proposals will NOT be considered.** Faxed or emailed proposals will **NOT** be considered.

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

# State Contracts

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## 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.

**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.



**Minnesota Department of Natural Resources (DNR)****ECommerce Program****Request for Information on Provisioning a Multi-channel Sales System for the DNR**

The purpose of this Request for Information (RFI) is for the solicitation of information from applicable vendors within the marketplace whom would be interested in provisioning a multi-channel sales system for the Minnesota Department of Natural Resources (DNR) encompassing:

- Hunting and Fishing License Sales, Lottery Applications
- Recreational Passes (Trail, etc.)
- Recreational Vehicle Registrations
- Recreational Vehicle Titling
- Firearms Safety Training & Certifications
- Safety Cards
  - o Snowmobile
  - o Wild Rice Harvester
- Lifetime Licenses

Request for Information will be available by email through May 17, 2013.

The Request for Information can be obtained from:

Scott Pickler  
ECommerce Program Director  
**MN Department of Natural Resources**  
**500 Lafayette Road**  
**Saint Paul, MN 55155**  
**E-mail:** *scott.pickler@state.mn.us*  
**Phone:** 1-651-259-5898 (Direct)

Responses submitted in response to the Request for Information in this advertisement must be received at the address above no later than **4:30 p.m., Central Daylight Time, May 21, 2013.**

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

**Minnesota 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.

# State Contracts

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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 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

## Minnesota 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 Public 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.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html>.

## More Contracts and Grants from Other Government Agencies

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html>.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Subscribers can view these by opening the *State Register* and clicking on Bookmarks on the left. (Non subscribers are not able to do this.) 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).

## Dakota County Sheriff's Department Notice of Request for Proposals for Mental Health Services for the Dakota County Jail

**NOTICE IS HEREBY GIVEN** that the Dakota County Sheriff's Department is sending out a request for proposal (RFP). The purpose of this RFP is to seek proposals for Mental Health Services for the Dakota County Jail.

Services requested include:

- Delivering on-site and telephone consultations for psychiatric and mental health services to inmates at the Dakota County Jail
- Providing on-site comprehensive mental health assessments
- Prescribing and monitoring psychotropic medications
- Maintaining medical records
- Ordering and interpreting necessary lab work
- Coordinating care with other medical and nursing staff who may be treating the inmate for other health conditions or arranging and coordinating off-site care
- Providing education to correctional and/or nursing staff

Contracts may or may not arise as a result of submitting a Request for Proposal. Any contractual agreements are subject to available funding, pending approval by the Dakota County Board of Commissioners. It is anticipated that the contract term will commence 8/5/13 through 12/31/15 with 2 one-year options to renew.

A complete copy of the RFP is available through the Dakota County Internet website at:

<http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

or by contacting:

Commander John Grant  
Dakota County Sheriff's Department  
1580 Highway 55  
Hastings, MN 55033  
**Phone:** (651) 438-4801  
**E-mail:** [john.grant@co.dakota.mn.us](mailto:john.grant@co.dakota.mn.us)

# Non-State Public Bids, Contracts & Grants

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The deadline for responses is 4:00 P.M. (CST) on Friday, May 24, 2013. Late proposals may NOT be accepted. Faxed proposals will NOT be accepted.

Dakota County reserves the right to withdraw this RFP at any time and for any reason, and to issue such clarifications, modifications, and/or amendments as it may deem appropriate.

## Martin County

### Notice of Request for Proposals to Operate the Martin County Transit System and Commuter Services

**PROPOSAL ACCEPTANCE CLOSES MAY 6, 2013 at 4:00p.m**  
**COUNTY of MARTIN, MINNESOTA**

Proposals for the project listed below will be received at the Martin County Coordinator's Office, 201 Lake Avenue, Fairmont, MN 56031, until 4:00 P.M., on May 6, 2013, at which time they will be opened and documented as received, cataloged for all required submittals and prepared for review. Proposal evaluations will occur week of May 13-17, 2013 and may be considered by the Martin County Board of Commissioners at their regular meeting on May 21, 2013. The Board reserves the right to review the proposals at a later date if necessary to allow for further consideration and proposer presentations prior to taking action.

REQUEST FOR PROPOSALS (RFP) TO OPERATE THE MARTIN COUNTY TRANSIT SYSTEM (COUNTY of MARTIN, MN) and COMMUTER SERVICE BETWEEN FAIRMONT, MN and the CITIES OF JACKSON, MN and BLUE EARTH, MN

**NOTICE IS HEREBY GIVEN** that sealed proposals will be received by the Martin County Transit system, at the office of the Martin County Coordinator's Office, at 201 Lake Avenue, Fairmont, MN 56031, until 4:00 p.m. local time, on the 6<sup>th</sup> day of May 2013 for the operation of public transit services titled "Martin County Transit System" including an alternate bid for the operations of Job Access Reverse Commute (JARC) Commuter Services between Fairmont and the Cities of Jackson, MN and Blue Earth, MN for the period from June 1, 2013-December 31, 2015. This Request For Proposals has provisions for proposers to provide for costs associated with TWO-1 year Option Years for services. All proposals must provide for costs associated with each option year indicated. Option Years will be part of the evaluation process in selecting the successful proposal. The Martin County Transit System intends to exercise those options after the contract is awarded.

The Martin County Transit public system is a countywide system, subsidized with state and federal public transit dollars, which utilizes small chassis cut-away buses to transport passengers.

The RFP documents and Proposal form may be obtained, at no cost, at the office of the Martin County Coordinator, at 201 Lake Avenue, Fairmont, MN 56031. The contact person for all communication involving the RFP is:

Scott Higgins  
Martin County Coordinator  
201 Lake Avenue, Fairmont, MN 56031  
**Phone:** (507) 238-3126

Other County personnel are not allowed to discuss the RFP with anyone, including potential responders, before the RFP submission deadline.

All proposals shall be sealed with the proposers name and address clearly identified on the outside of packet. The Packet shall include a cash deposit, cashier's check, proposal bond, or certified check in the amount of five percent (5%) of the proposal amount, payable to the Martin County Auditor/Treasurer. Such amount shall be forfeited to the Martin County Auditor/Treasurer as liquidated damages, if the bidder, upon letting the agreement, shall fail to enter into the agreement so let.

Disadvantaged Business Enterprises (DBE) Special Provisions: The MNDOT Office of EEO/Contract Management has assigned a Race/Gender Neutral DBE goal to this project. Bidders are directed to read the Disadvantage Business Enterprise (DBE) Special Provision race/gender neutral goal in Attachment 3. The Disadvantage Business Enterprise Special Provisions explains how to comply with the DBE requirements. The documents that bidders must submit with their bid proposal are included in with the Bid Specifications document.

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# Non-State Public Bids, Contracts & Grants

The Martin County Board of Commissioners reserves the right to select the most advantageous offer by evaluation and comparing factors in addition to cost or price such that a recipient may acquire technical superiority even if it must pay a premium price. A "premium" is the difference between the price of the lowest priced proposal and the one that the recipient believes offers the best value.

Dated this 1<sup>st</sup> day of April 2013

By Order of The Martin County Board of Commissioners  
Scott Higgins, Martin County Coordinator

## Metropolitan Airports Commission (MAC) Minneapolis–St. Paul International Airport Notice of Call for Bids for 2013 Miscellaneous Construction

MAC Contract No. 106-1-263  
Bids Close At: 2:00 PM on May 14, 2013

**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 includes installation of airfield frequency signs, sign relocation, replacement of Precision Approach Path Indicator (PAPI) system, handhole reconstruction, and storm sewer manhole casting assembly replacement.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 4%.

**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 29, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

## Metropolitan Airports Commission (MAC) Adjacent to the Minneapolis–Saint Paul International Airport Notice of Call for Bids for TH 494 – 34<sup>th</sup> Avenue South Interchange Improvements

MAC Contract No.: 106-3-471  
Bids Close At: Tuesday, May 21, 2013 at 2:00PM

**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. Major items of work include mobilization, traffic control, removals, grading, drainage, crushed aggregate base, concrete curb and gutter, concrete pavement, bituminous pavement, pavement marking, signing, signalization, lighting and LRT facility adjustments.

**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

# Non-State Public Bids, Contracts & Grants

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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 Kimley-Horn and Associates, Inc., 2550 University Avenue West, Suite 238N, Saint Paul, Minnesota 55114; 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 Kimley-Horn and Associates, Inc.; 2550 University Avenue West, Suite 238N; Saint Paul, Minnesota 55114; **phone:** (651) 645-4197; **fax:** (651) 645-5116. Make checks payable to Kimley-Horn and Associates, Inc. Deposit per set (refundable) \$150.00. Requests for mailing sets will require a separate, non-refundable \$15.00 check 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 29, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

## Metropolitan Airports Commission (MAC) Minneapolis–Saint Paul International Airport Notice of Call for Bids for 2013 Landside Pavement Rehabilitation

**MAC Contract No.:**

**106-3-489**

**Bids Close At:**

**2:00 PM, Tuesday, May 14, 2013**

**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 concrete pavement rehabilitation, concrete pavement reconstruction, concrete joint repair, concrete curb and gutter replacement, bituminous pavement milling, and traffic loop detector replacement.

**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 Kimley-Horn and Associates, 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 Kimley-Horn and Associates, Inc.; 2550 University Avenue West Suite 238N; St. Paul, MN, 55114; phone: (651) 645-4197. Make checks payable to Kimley-Horn and Associates, Inc. Deposit per set (refundable) \$100.00. Requests for mailing sets will require a separate, non-refundable \$15.00 check 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 29, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

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\$100.01-\$1,000	\$ 17.00*
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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)*

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