

# Minnesota State Register

(Published every Monday (Tuesday when Monday is a holiday.)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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

**Monday 16 September 2013  
Volume 38, Number 12  
Pages 373 - 392**

# Minnesota State Register

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

The *Minnesota 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. It contains:

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- Withdrawn Rules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

### Printing Schedule and Submission Deadlines

Vol. 38 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				
# 13	Monday	23	September	Noon	Tuesday	17	September	Noon	Wednesday	11	September
# 14	Monday	30	September	Noon	Tuesday	24	September	Noon	Wednesday	18	September
# 15	Monday	7	October	Noon	Tuesday	1	October	Noon	Wednesday	25	September
# 16	Monday	14	October	Noon	Tuesday	8	October	Noon	Wednesday	2	October

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**Governor:** Mark Dayton (651) 296-3391  
**Lieutenant Governor:** Yvonne Prettner Solon  
(651) 296-3391  
**Attorney General:** Lori Swanson (651) 296-6196  
**Auditor:** Rebecca Otto (651) 296-2551  
**Secretary of State:** Mark Ritchie (651) 296-2803

**Administration Commissioner:**  
Spencer R. Cronk (651) 201-2555  
**Plant Management Division:**  
Christopher A. Guevin (651) 201-2350  
**Minnesota's Bookstore:**  
Mary Mikes (651) 297-3979

**Editor:** Robin PanLener  
(651) 297-7963, [robin.panlener@state.mn.us](mailto:robin.panlener@state.mn.us)  
**Assistant editor:** John Mikes  
(651) 297-4616, [john.mikes@state.mn.us](mailto:john.mikes@state.mn.us)  
**Subscriptions Manager:** Loretta J. Diaz  
(651) 297-8777, [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us)

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

THE MINNESOTA STATE REGISTER IS PUBLISHED by Plant Management Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available on-line at website: <http://www.comm.media.state.mn.us/bookstore/mnbookstore>

## Minnesota Legislative Information

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State Capitol, Room 231, St. Paul, MN 55155  
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**House Public Information Services** (651) 296-2146  
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**Website:** [www.house.leg.state.mn.us/hinfo/hinfo.htm](http://www.house.leg.state.mn.us/hinfo/hinfo.htm)

## Minnesota State Court System

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Contract information is available from the Materials Management (MMD) Helpline (651) 296-2600, or Web site: [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)  
For additional contracts go to: <http://www.mmd.admin.state.mn.us/solicitations.htm>  
For additional grants go to the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

# 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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# Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

**KEY:** Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

## Minnesota Department of Revenue

### Revenue Notice # 13-03: Sales and Use Tax-Sales in Minnesota-Duty Free Shops

#### Background

This revenue notice explains the sales tax implications for sales of tangible personal property by duty free stores. Duty free stores are bonded warehouses created by the federal government under 19 U.S.C. § 1555. A class 9 warehouse is a duty-free store.

Under *Minnesota Statutes*, section 297A.62, subdivision 1, sales tax is imposed on sales “made in this state or to a destination in this state.” Under *Minnesota Statutes*, section 297A.668, subdivision 2(c), “when the product is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the donee designated by the purchaser occurs, including the location indicated by instructions for delivery to the purchasers or the purchaser’s donee, known to the seller.”

#### Department Position

A sale by a duty free store of tangible personal property that is received by the purchaser at the store, unless otherwise exempt under *Minnesota Statutes*, chapter 297A, is subject to sales tax, including tangible personal property sold to international passengers.

The following sales by duty free stores are considered to be made outside of Minnesota and are therefore exempt from sales tax:

- A sale made by a duty free store of tangible personal property that is delivered to the jet way to be distributed to purchasers who are passengers on flights with an ultimate international destination;
- A sale made by a duty free store of tangible personal property that is delivered to purchasers leaving the United States at ports of entry other than airports, when the tangible personal property purchased is delivered to the purchaser at the point of, or after the point of, exit from the United States.

However, travelers who received the tangible personal property, leave the United States, and later return to Minnesota with the tangible personal property may owe use tax.

Publication Date: September 16, 2013

SUSAN VON MOSCH, Assistant Commissioner  
for Tax Policy  
Minnesota Department of Revenue

## Minnesota Department of Revenue

### Revenue Notice # 13-04: Individual Income, Corporate Franchise, and Estate and Trust Taxes – Furnishing Information Return in Electronic Form

#### Introduction

Pursuant to *Minnesota Statutes*, section 270C.30, the commissioner of revenue is authorized to “prescribe the content and format of all returns . . . .”

*Minnesota Statutes*, section 289A.12, subdivision 3(a), (b) and (c), require information returns to be furnished by partnerships, fiduciaries, and S corporations, respectively. These information returns are currently required to be provided using the following forms: KPI and KPC (Partner’s Share of Income, Credits and Modifications); KF (Beneficiary’s Share of Minnesota Taxable Income); and, KS (Shareholder’s Share of Income, Credits and Modifications).

# Revenue Notices

In *Rev. Proc.* 2012-17, the IRS has detailed the requirements for providing the Federal Schedule K-1 (Partner's Share of Income, Deductions, Credits, etc.) in an electronic form that is sufficient to satisfy the federal requirement for furnishing this federal information return. Minnesota's requirement to furnish a Minnesota Form KPI, KPC, KF or KS, as applicable, serves the same purposes as, and is administered in a manner similar to, the federal requirement to provide a Federal Schedule K-1.

## Department Position

If a partnership, fiduciary, or S corporation ("issuer"), that is required to furnish a KPI, KPC, KF or KS, complies with the procedures set forth in *Rev. Proc.* 2012-17 by providing the KPI, KPC, KF or KS in an electronic form, that issuer will satisfy the requirements of *Minnesota Statutes*, section 289A.12, subdivision 3(a), (b) or (c), as applicable, to furnish an information return.

Publication Date: September 16, 2013

SUSAN VON MOSCH, Assistant Commissioner  
for Tax Policy  
Minnesota Department of Revenue

## Commissioners' Orders

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

## Minnesota Department of Natural Resources (DNR)

### Burntside Islands SNA Commissioner's Designation Order #236

<b>EFFECTIVE DATE:</b>	<b>September 16, 2013</b>
<b>Statutory Authority:</b>	<b><i>Minnesota Statutes</i> 84.033, 86A.05, Subd. 5 and 97A.093</b>
<b>Supersedes:</b>	<b>SNA Order #84</b>

## BACKGROUND

**WHEREAS**, certain lands in St Louis County, Minnesota, described as:

Government Lot Eight (8), Section Twenty-nine (29), Township Sixty-three (63) North, Range Thirteen (13)  
West of the Fourth Principal Meridian, according to the Government Survey thereof.

containing 71.1 acres, more or less, is under the control and possession of the Department of Natural Resources;

and



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## Commissioner's Orders

**WHEREAS**, such lands contain undisturbed native plant communities, such as Crystalline Bedrock Outcrop (Northern), Old-growth White Pine-Red Pine Forest, and Upland White Cedar Forest; amphibolite and biotite schist rock outcrop islands; and habitat for sensitive animal species, such as bald eagle (*Haliaeetus leucocephalus*), white throated-sparrow (*Zonotrichia albicollis*), common loon (*Gavia immer*) and boreal chickadee (*Poecile hudsonica*);

and

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

### ORDER

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

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

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

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

Dated: 4 September 2013

Tom Landwehr, Commissioner  
Department of Natural Resources

## Official Notices

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

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

### Minnesota Department of Agriculture (MDA) Pesticide and Fertilizer Management Division Notice of Comment Period on Draft Water Quality Best Management Practices for Chlorpyrifos and other Agricultural Insecticides

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Minnesota Department of Agriculture (MDA) is providing a public comment period on draft water quality Best Management Practices (BMPs) for agricultural insecticides and specifically for the organo-phosphate insecticide chlorpyrifos. The BMPs, which reference both mandatory label requirements and voluntary practices, were developed by the MDA in consultation with the University of Minnesota Extension and other interested parties to address general agricultural insecticide use and water resource protection, and to address known impacts to water resources specifically from chlorpyrifos. For information on the authorities under which the MDA is developing the BMPs, and to view or obtain copies of the draft BMPs and other related MDA communication, refer to the MDA's Pesticide BMP webpage at

<http://www.mda.state.mn.us/en/protecting/bmps/voluntarybmps.aspx>

For information on water resource monitoring results that support the development of BMPs, refer to the MDA's Monitoring and Assessment webpage at: <http://www.mda.state.mn.us/chemicals/pesticides/maace.aspx>

The Commissioner previously announced that the insecticide chlorpyrifos is a surface water "Pesticide of Concern" in accordance with the state Pesticide Management Plan. Subsequently, MDA staff was directed to develop BMPs to protect surface water from all agricultural insecticides and specifically from chlorpyrifos.

The BMPs for all agricultural insecticides are considered the foundation for the chlorpyrifos-specific BMPs, and will be promoted statewide for all insecticide use as a preventive approach to protecting water resources. The BMPs include additional information, web links and resources helpful to farmers. The BMPs are proposed first drafts. The MDA will accept public comment on the BMPs until November 14, 2013. At the close of the comment period, MDA may modify the BMPs to address public comment received. A second draft of the BMPs will then be published for additional comment, after which MDA may further modify the BMPs. Final BMPs will then be published in the State Register.

Interested parties or groups may direct inquiries about and provide comment on the BMPs to the State Department of Agriculture at the following address:

Gregg Regimbal  
Pesticide and Fertilizer Management Division  
Minnesota Department of Agriculture  
625 Robert Street North  
St. Paul, MN 55155-2538  
**Phone:** (651) 201-6671  
**Fax:** (651) 201-6117  
**E-mail:** [gregg.regimbal@state.mn.us](mailto:gregg.regimbal@state.mn.us)



## **Minnesota Comprehensive Health Association (MCHA) Notice of Actuarial Committee Meeting 24 September 2013**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Actuarial Committee will be held at 2:30p.m. on Tuesday, September 24th, 2013

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN; it should be noted that some or all attendees will participate telephonically.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office, (952) 593-9609, for additional information.

## **Minnesota Comprehensive Health Association (MCHA) Notice of Actuarial Committee Meeting 26 September 2013**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Actuarial Committee will be held at 1:00p.m. on Thursday, September 26th, 2013

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN; it should be noted that some or all attendees will participate telephonically.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office, (952) 593-9609, for additional information.

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

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

*Minnesota Statute 256B.0625 subd. 13e (e)* gives the commissioner the authority to negotiate reimbursement rates for specialty pharmacy products. The commissioner employs a Specialty Maximum Allowable Cost (Specialty MAC) reimbursement methodology for specialty products.

Specialty pharmaceutical products include injectable and infusion therapies, biotechnology drugs, antihemophilic factor products, high-cost therapies, and therapies that require complex care.

No earlier than September 24, 2013 the Department may add the following outpatient prescribed drugs to the state MAC list:

**Drug UPC Name**

FIRMAGON  
GILOTRIF

DEGARELIX ACETATE  
AFATINIB DIMALEATE

# Official Notices

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cost of the drugs listed above. The Department estimates that there will be a state savings of \$10,000 for State Fiscal Year 2013 (July 1, 2013 through June 30, 2014).

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

Written comments and requests for information may be sent to:

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

## Minnesota Pollution Control Agency (MPCA)

### Watershed Division

#### Notice of Availability of the Draft Vadnais Lake Area Watershed Management Organization TMDL and Protection Study and Request for Comment

**Public Notice Period Begins:** September 16, 2013  
**Public Notice Period Ends:** October 15, 2013

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Vadnais Lake Area Watershed Management Organization (VLAWMO) Total Maximum Daily Load (TMDL) and Protection Study. The draft Report is available for review at:

<http://www.pca.state.mn.us/dada34q>

Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be sent to the MPCA contact person listed below by 4:30 p.m. on October 15, 2013.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions. The VLAWMO TMDL and Protection Study describes bacteria reductions needed for Lambert Creek and nutrient reductions needed for Gem, East Goose, West Goose, Gilfillan, and Wilkinson Lakes to meet state water quality standards. Lambert Creek was listed on the 303(d) list of impaired waters in 2008 and Gem, East Goose, West Goose, Gilfillan, and Wilkinson Lakes were listed in 2010. Land uses in the watersheds of the impaired lakes and streams are a mix, but dominated by single family residential, undeveloped, and park and recreational areas. To meet the water quality standard, excess phosphorus will need to be reduced by 24 percent to 91 percent for the lakes and bacteria will need to be reduced by 61 percent. Sources of phosphorus in the lakes are from organic material such as leaves and grass clippings, fertilizers, and sediments often transported by stormwater and the internal loading of phosphorus from lake sediments. E. coli comes from human, pet, and wildlife waste.

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

Barb Peichel  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
**Phone:** (651) 757-2646  
**Minnesota Toll Free:** 1-800-657-3864  
**Fax:** (651) 297-8676  
**E-mail:** [Barbara.Peichel@state.mn.us](mailto:Barbara.Peichel@state.mn.us)

TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864

**Preliminary Determination on the draft TMDL Report:** The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report is available for review at the MPCA office at the address listed above, and at the **MPCA website:** <http://www.pca.state.mn.us/0agxa04>. Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

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

Written comments must include the following:

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

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

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

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

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

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

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

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

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

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

**MPCA Decision:** You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner

# Official Notices

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

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

Dated: September 2013

## Minnesota Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

### NOTICE OF DEBARMENT

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of thirty (30) months, effective August 22, 2011 until February 22, 2014:

- 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 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

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

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

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

## Minnesota Housing Finance Agency (MHFA)

### Request for Proposals for Qualified Rental Assistance Administrators to Provide Short-Term Rental Assistance Under the Housing Trust Fund Program to Homeless and Highly Mobile Families with at Least One Child in Grades K–12

Proposals must be submitted by October 14, 2013

#### I. Introduction

##### A. Purpose

Minnesota Housing is seeking proposals from qualified rental assistance (RA) administrators under the Housing Trust Fund program (HTF) (<https://www.revisor.mn.gov/statutes/?id=462A.201>) to fund rental assistance for families who are homeless or highly mobile and have at least one school age child. This pilot initiative is intended to examine the extent to which housing stability for homeless and highly mobile families with school age children impacts the student's school attendance.

Current administrators of rental assistance under the HTF program are eligible to apply. \$2 million was appropriated to the HTF program for this initiative for the FY 2014-2015 biennium. To be eligible for funding, an applicant must have the demonstrated capacity to effectively and efficiently deliver monthly rental assistance payments.

This initiative requires strong partnerships with service providers and schools. Priority will be given to proposals that:

1. Demonstrate a commitment by a school or school district to collaborate with the rental assistance administrator on an initiative, particularly with respect to referrals, services, and data collection for purposes of evaluation.
2. Provides or coordinates the support services necessary to stabilize families in housing.
3. Target in whole or in part one or more of the following populations:
  - a. Families with students with the most significant educational deficits,
  - b. Families with children in grades K-5, and/or
  - c. Students who are custodial parents.

It is expected that no more than three proposals will be funded. The preference is to fund two proposals in the Twin cities metropolitan area, and one proposal serving a community, school district or county in Greater Minnesota.

##### B. Objective of the RFP

The objective of this RFP is to contract with qualified responders to perform the tasks and services set forth in this RFP. The contract will be for two years. Payments will be disbursed on a monthly basis.

Proposals must be submitted by October 14, 2013. This RFP does not obligate the State to award a contract or complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interests. All costs incurred in responding to this RFP will be borne by the Responder.

##### C. Background

Governor Dayton proposed as part of his FY 2014-2015 budget a school mobility rental assistance initiative to demonstrate on a pilot project basis the relationship between housing stability and improved school attendance. In 2013 MN Legislature appropriated \$2 million for the pilot project initiative. Stable, affordable housing is a tool to enhance children's likelihood of educational success. Research has shown that students who move frequently have low attendance rates, which negatively impacts student achievement, leads to truancy, and is a precursor to dropping out. Access to affordable housing can prevent frequent moves, homelessness, and overcrowding—all of which

# State Grants & Loans

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are stressors that impact a child's educational performance. Under this initiative, short-term, time-limited (2 years) of rental assistance will be provided to families with school age children who are homeless or who have made frequent moves. Rental assistance will be available to address the high housing costs for low-income families so that school age children can attend the same school without interruption during the school year.

The number of homeless/highly mobile K-12 students has increased from just over 5,000 students in the 2006-2007 school year to nearly 13,000 in the 2011-2012 school year. Schools throughout the state experience high mobility rates among their students. See <http://www.ruralmn.org/wp-content/uploads/atlas/153.gif>

for a map of the student mobility rate for Minnesota. The student mobility index tracks how often students are moving within school districts and between school districts.

## II. Scope of Work

### A. Overview

The overall goal of the pilot initiative is to provide housing stability for homeless/highly mobile families with children in grades K-12 and to improve school attendance for the students by providing rental assistance to achieve housing affordability. To reach these goals the pilot project proposal must demonstrate the ability of the applicant and other organizations that form the project team to:

- Identify and assess the appropriate households to be served. Rental assistance administrators must work with appropriate school personnel or others to accept referrals from among the eligible families.
- Provide or coordinate the provision of supportive services to strengthen the family's housing stability. Successful applicants will identify the means of assessing a family's supportive services needs and then identify the resources to provide the supportive services. Funds awarded for rental assistance cannot be used directly to pay the costs of these services.
- Include partnerships with schools and/or school districts.
- Include partnerships with county human services departments to assist with accessing needed services.
- Ensure that the pilot projects maximize use of existing mainstream services, such as child protection early intervention programs, programs for parenting students, chemical dependency and mental health services, and homeless youth services; school linked mental health services, and school attendance monitoring.
- Ensure families fully transition off of the rental assistance within the two years and develop a transition plan for maintaining that housing stability after the pilot initiative funding ends.
- Include mechanism to gain parents' commitment to the goal of improving their children's school attendance.
- Not supplant existing resources with funding available through the initiative.

### B. Tasks and Deliverables

The maximum amount of rental assistance provided to each tenant will be no greater than the difference between 30% of the tenant's gross income and the payment standard as established by the local public housing agency or housing and redevelopment authority according to Code of Federal Regulations, title 24, part 982.

Assistance is available for up to 24 months per participant household. Funds may be used for security deposits and other allowable housing related expenses.

Administrators are eligible to receive up to \$60 per month per participant in administrative fees.

Funds may not be used for supportive services.

Administrators are expected to serve a minimum of twenty families per month at full utilization.

Applicants should describe how they will address the tenant advocacy needs of participants. A small amount (up to \$10,000 per grant) of additional funding may be available to assist with tenant advocacy supports. Applicants should indicate if they would apply for such funds and if, yes, the amount of such funds that would be needed to supplement other available sources.

Applicants should describe how they will access funding for supportive services.



Applicants should describe how participant families will be referred to them.

Applicant should describe how the participants will be assessed and determined to be able to fully transition off the rental assistance within two years.

Applicants must agree to cooperate in and facilitate the collection of data to help evaluate the pilot initiative.

Selected pilot project grantees must adhere to Housing Trust Fund program rules and manual. See *Minnesota Rules*, Parts 4900.3700-4900.3769, <https://www.revisor.mn.gov/rules/?id=4900.3700> and [http://www.mnhousing.gov/idc/groups/public/documents/document/mhfa\\_003855.pdf](http://www.mnhousing.gov/idc/groups/public/documents/document/mhfa_003855.pdf)

Projects will be selected to further the following outcomes:

- Achieve housing stability for homeless/highly mobile families with grades K-12 students
- Improve the school attendance of participating students

Housing stability means that a participating family is provided with safe housing choices that will facilitate the students completing the school year without further moves. Students need not stay in their current school if this is the family's choice.

### III. Proposal Format and Requirements

Proposals must conform to all instructions, conditions, and requirements included in the RFP. Responders are expected to examine all documentation and other requirements. Failure to observe the terms and conditions in completion of the Proposal are at the Responder's risk and may, at the discretion of the State, result in disqualification of the Proposal for non-responsiveness. Acceptable proposals must offer all services identified in Section II—Scope of Work and agree to the contract conditions specified throughout the RFP.

#### A. Proposal Content Requirements

The following are the minimum requirements of the proposal:

##### 1. Description of applicant team

The proposal must identify the communities in which the applicant will operate (city, county, region) and the schools or school districts with which the applicant will partner. Service providers with whom the applicant will partner must also be identified.

The roles and responsibilities of the partners must be explained. A description of previous experience of the partners in working together, if any, should be provided.

##### 2. Target population

a. Applicants must describe how they will ensure that the funds are used to serve the eligible population. The eligible population is those families with students in grades K-12 who live in any of the following conditions due to the lack of a fixed regular and adequate nighttime residence:

- A shelter (family shelter, domestic violence shelter, youth shelter or transitional housing)
- A motel, hotel, or weekly rate housing
- Doubled up with friends or relatives because the family cannot afford housing
- Abandoned building, or other inadequate accommodation
- Automobile
- On the street
- Emergency foster care
- With friends or family if the student is an unaccompanied youth

Families who moved more than once during a school year, but are not literally homeless at the time of assessment are considered highly mobile and are also eligible for assistance. Applicants may choose to target families who have moved more frequently.

Eligible families must have household incomes that do not exceed 60% of HUD median family income for the Twin Cities metropolitan area (\$49,380 for a family of 1-4 persons) at initial occupancy.

# State Grants & Loans

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b. An applicant may choose to target one or more subpopulations. If the applicant chooses to target one or more subpopulations, a description of the subpopulation must be included, as well as the rationale for choosing a subpopulation. Eligible subpopulations are families who meet the definition of homeless/highly mobile and that include:

- *Students with the greatest educational deficits*
- *Students in grades K-5*
- *Students who are custodial parents*

c. Applicants must estimate the number of families to be served in a two year period based on the amount of the request. Applicants must indicate the estimated average per household rental assistance amount.

## 3. Project design

a. Applicants must describe the school personnel or other personnel who will refer families to the rental assistance administrator for housing assistance.

b. Applicants must describe how families will be assessed to determine necessary supportive services, what supportive services will be provided, and identify the funding sources for the supportive services, including how mainstream services will be accessed.

c. Applicants must describe the transition plan for participants to remain in their housing once the rental assistance through the initiative has ended.

d. Mechanisms for gaining the parents' commitment to improving their children's school performance and repercussions for failure to follow through should be described.

## 4. Knowledge of and experience with serving the eligible population and targeted subpopulations (if elected).

The applicant should describe its experience and the experience of its partners in serving the eligible population and targeted subpopulation, if any.

## 5. Relationship with landlords

Applicants must describe their experience in working with landlords to house tenants with imperfect tenant histories and how housing choice will be promoted.

## 6. Evaluation

The Commissioner of Minnesota Housing, in cooperation with the Commissioners of Education and Human Services, will develop practices for evaluating and reporting on outcomes from pilot projects financed through this initiative. Applicants must provide assurance that it will commit to full participation in the evaluation process, including data collection and submittal.

## 7. Budget

Applicants should include a two-year budget that lists all incomes and expenditures related to the project, including funding from other sources.

## IV. RFP Process

A. Questions should be directed to: Elaine Vollbrecht, Minnesota Housing, [Elaine.Vollbrecht@state.mn.us](mailto:Elaine.Vollbrecht@state.mn.us), (651) 296-9953.

## B. Submissions

One original and one copy of the application should be submitted to Minnesota Housing at 400 Sibley Street, Suite 300, Saint Paul, MN 55101, no later **than 4:30 p.m., on Monday, October 14, 2013**. Emailed submissions are also required as described in the application materials. Late proposals will not be accepted. Faxed proposals will not be accepted.

Application materials can be found at <http://www.mnhousing.gov> (Home -> Multifamily Rental Partners -> Programs & Funding -> Open RFPs).

# State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

**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 advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

## Minnesota Legislative Branch Legislative Coordinating Commission (LCC) Request for Proposal for Web Programming Services

The Minnesota Legislative Coordinating Commission (LCC) is requesting proposals from qualified individuals and organizations to provide web programming services.

The full text of the Request for Proposals can be obtained from the LCC Web site at: <http://www.lcc.leg.mn/RFPs.htm> or by contacting:

Sally Olson, Commission Assistant  
Legislative Coordinating Commission  
Room 72, 100 Rev. Dr. Martin Luther King, Jr. Blvd  
St. Paul, Minnesota 55155  
**Phone:** (651) 296-9002 (Voice)  
**E-mail:** [sally.olson@lcc.leg.mn](mailto:sally.olson@lcc.leg.mn)

**Proposals must be received by Monday, October 7, 2013 at 4:00 p.m., CDT. Late proposals may not be accepted.** All expenses incurred in responding to this notice shall be borne by the responder.

## Minnesota Department of Natural Resources (DNR) Division of Enforcement Notice of Request for Proposals (RFP) Regarding Law Enforcement Records Management Systems

The Minnesota Department of Natural Resources (DNR) is engaged in an effort to acquire and implement a commercial off-the shelf application to support its law enforcement records management business requirements. DNR business objectives and detailed software requirements are outlined in the RFP document (which is located <http://supplier.swift.state.mn.us/>).

Interested software vendors are invited to review the RFP and submit a response indicating 1) how the requirements will be satisfied and 2) the proposed cost of implementing the system.

All responses to the RFP (termed "Event" within SWIFT) must be submitted using the Supplier portal: <http://supplier.swift.state.mn.us/> Training and documentation on how to submit your response is available through the Supplier portal link above.

All responses to this RFP must be submitted and received in SWIFT no later than the Event End Date and time as set forth in the SWIFT Event Details applicable to this RFP. Late responses will not be considered.

NOTE: If you are not already a registered vendor with the State, you need to register as such by going to:  
<http://www.mmb.state.mn.us/vendorresources>

# State Contracts

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before you can enter your response through the supplier portal above. Please note that approval of your registration may take 3 – 4 business days. If you need assistance obtaining a vendor ID or completing the registration process, please call (651) 201-8100, Option 1.

The RFP does not obligate the State to award a contract or proceed with the project. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)**

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to 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.

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### ***Minnesota Session Laws***

Set is two volumes (3,193 pages) and includes laws passed during the 2013 regular session as well as the 2012 first special session. A set (state copy) is now on display in the store. NO QUANTITY DISCOUNTS. **Stock No. 989. Cost: \$52 + tax, includes shipping.**

### ***Health Care Facilities Directory 2013***

*This new directory updates the 2012 edition.* Features comprehensive listing of hospitals, nursing homes, supervised living facilities, outpatient clinics, home health agencies, hospices, etc. within the state of Minnesota. Lists are organized both by county and alphabetically. **Stock Number: 72. Price: \$28.95. Binding: Plastic Spiral Binding. 554-pages.**

### ***Learning Objectives for Professional Peace Officer Education***

Features techniques of criminal investigation and testifying to include traffic, law enforcement, use of firearms, interrogation tactics, and more. Produced by the P.O.S.T Board. **Stock Number: 414. Price: \$18.95. Pages: 109. Binding: Looseleaf-no binder.** Fits in this binder (Stock No. 398).

## ***THE FOLLOWING STOCK IS ALSO AVAILABLE:***

#### **NOTARYLAWS**

Notary Public Laws 2012, Stock No. 103, \$10.00  
Notary Mailing List, Call (651) 296-0930 to order.

#### **PHARMACY LAWS**

Pharmacy Laws 2012, Stock No. 114, \$17.95  
Pharmacy Rules 2011, Stock No. 160, \$14.95  
Mailing Lists of Pharmacies and Pharmacists, Call (651) 296-0930 to order

#### **PLUMBING CODE**

Minnesota Plumbing Code, Stock No. 124, \$39.95  
1-1/2" Binder, Stock No. 370, \$7.95  
Plumbers and Plumber Apprentices Mailing Lists (Call [651] 296-0930)

#### **TAX PACKAGE AND TAX LAWS**

Income & Excise Tax Laws 2012, Stock No. 93 \$19.95  
Package XM - 2012: Minnesota Tax Forms, Stock No. 261, \$17.00

#### **HEALTH & HUMAN SERVICES**

Developmentally Disabled Laws & Rules, Stock No. 750, \$19.95  
Nursing & Boarding Care Laws, Stock No. 108, \$19.95  
Home Care Licensure Laws, Stock No. 97, \$16.95



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

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

Stock No.	Title	Quantity	Unit Price	Total

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Name \_\_\_\_\_

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

City ( ) State Zip

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

#### Shipping Charges

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

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

Shipping \_\_\_\_\_

Subtotal \_\_\_\_\_

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

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

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

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

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

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