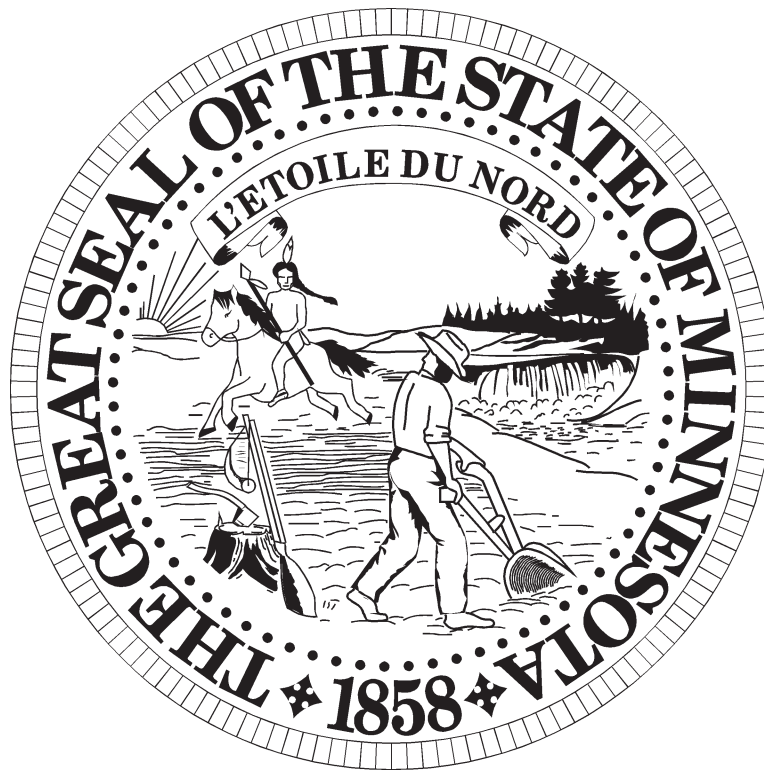


# Minnesota

# 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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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 4 November 2013  
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Pages 573 - 600**

# Minnesota State Register

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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- Withdrawn Rules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
# 20	<b>TUESDAY 12 NOVEMBER</b>	Noon Tuesday 5 November	Noon Wednesday 30 October
# 21	Monday 18 November	Noon Tuesday 12 November	Noon Wednesday 6 November
# 22	Monday 25 November	Noon Tuesday 19 November	Noon Wednesday 13 November
# 23	Monday 2 December	Noon Tuesday 26 November	Noon Wednesday 20 November

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For additional grants go to the Office of Grants Management (OGM) at:

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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 Public Safety (DPS)

### Division of Driver and Vehicle Services

#### Proposed Permanent Rules Relating to Motorcycle Road Guard Certificate

#### DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

**Proposed Rules Governing Motorcycle Road Guard Certification and Qualification Requirements; *Minnesota Rules*, Parts 7422.0100, 7422.0200, 7422.0300, 7422.0400, 7422.0500, 7422.0600, 7422.0700, 7422.0800, 7422.0900, 7422.1000, 7422.1100, 7422.1200, 7422.1300**

**Introduction.** The Department of Public Safety, Driver and Vehicle Services Division, intends to adopt rules without a public hearing following the procedures of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 1422 to 14.28. However, if 25 or more persons each submit a written request for a hearing on the rules by 4:30 p.m. on Friday, December 6, 2013, the Department of Public Safety will hold a public hearing in Room 300 South, in the State Office Building, 100 Reverend Martin Luther King Junior Boulevard, Saint Paul, MN 55155, starting at 9:00 a.m., on Wednesday, December 18, 2013. 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 after December 6, 2013 and before December 18, 2013.

**Department Contact Person.** You may 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: Helen J.M. Bassett, Driver and Vehicle Services, Minnesota Department of Public Safety, 445 Minnesota Street, Suite 195, Saint Paul, Minnesota 55101-5195, **telephone:** (651) 201-7583, **e-mail:** [DVSRules@state.mn.us](mailto:DVSRules@state.mn.us). **TTY** users may call the department at (651) 0282-6555.

**Subject of Rules and Statutory Authority.** The proposed new rules are permanent rules to govern the Motorcycle Road Guard Certification and Requirement program. The statutory authority to adopt the rules is *Minnesota Statutes*, section 171.60, subdivision 5; and specific authority pursuant to Laws 2012, c. 287, art 3, s 43. A copy of the proposed rules is published in the *State Register*, attached to this notice as mailed, and copies will be distributed according to the additional notice plan previously approved in advance. The proposed rules are also available on the department's website at:

<https://dps.mn.gov/divisions/dvs/news/Pages/motorcycle-road-guard-certificate.aspx>.

**Comments.** The Department is interested in receiving comments from interested parties and those potentially affected by this rule. Individuals interested in the proposed rule have 30 days from the date of this Notice, until 4:30 p.m. on December 6, 2013 to submit

# Proposed Rules

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written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment must be in writing and received by the agency contact person by the due date. If you submit your comments by electronic mail, the department requests that you use the phrase "Motorcycle Road Guard" in the subject line of your e-mail. 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 December 6, 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 December 4, 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 call the agency contact person at: (651) 201-7583 after December 6, 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 Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7842, 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 department requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during

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# Proposed Rules

the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness and the proposed rules are available on the department's website at:

<https://dps.mn.gov/divisions/dvs/news/Pages/motorcycle-road-guard-certificate.aspx>

**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: 21 October 2013

Signed: Commissioner Ramona L. Dohman  
Minnesota Department of Public Safety

## **7422.0100 DEFINITIONS.**

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

Subp. 2. **Applicant.** "Applicant" means a person who is applying for enrollment in the motorcycle road guard certification course.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of public safety, acting directly or through authorized officers or agents.

Subp. 4. **Disqualification or disqualify.** "Disqualification" or "disqualify" means the commissioner's rescission of a person's motorcycle road guard certificate.

Subp. 5. **Daytime.** "Daytime" has the meaning given in *Minnesota Statutes*, section 169.011, subdivision 22.

Subp. 6. **Entity.** "Entity" has the meaning given in *Minnesota Statutes*, section 12.03, subdivision 4e.

Subp. 7. **Instructor applicant.** "Instructor applicant" means a person who is applying for a motorcycle road guard instructor certificate.

Subp. 8. **Minnesota Motorcycle Safety Center.** "Minnesota Motorcycle Safety Center" means the motorcycle safety education program under *Minnesota Statutes*, section 121A.36.

Subp. 9. **Motorcycle road guard.** "Motorcycle road guard" means a person who holds a valid motorcycle road guard certificate.

Subp. 10. **Motorcycle road guard certification course.** "Motorcycle road guard certification course" means a program authorized by the commissioner for the instruction and certification of a motorcycle road guard.

# Proposed Rules

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Subp. 11. **Motorcycle road guard instructor.** “Motorcycle road guard instructor” means a person who has met the requirements of a motorcycle road guard instructor certificate.

Subp. 12. **Qualified prior impaired driving incident.** “Qualified prior impaired driving incident” has the meaning given in Minnesota Statutes, section 169A.03, subdivision 22.

Subp. 13. **Valid motorcycle road guard certificate.** “Valid motorcycle road guard certificate” means a certificate that authorizes the person to whom it is issued to perform the duties under part 7422.0200 and is:

A. issued by the commissioner;

B. not expired; and

C. not disqualified.

Subp. 14. **Wireless communications device.** “Wireless communications device” has the meaning given in Minnesota Statutes, section 169.011, subdivision 94, and includes cellular phones as defined in Minnesota Statutes, section 169.011, subdivision 15.

Subp. 15. **Motorcycle Road Guard Field Guide.** “Motorcycle Road Guard Field Guide” is a reference document, approved by the Department of Public Safety for use by motorcycle road guards.

Subp. 16. **ANSI/ISEA 107-2004 standard.** For the purposes of this chapter, “ANSI/ISEA 107-2004 standard” means the standard for the design and performance of high visibility safety apparel that is developed by the International Safety Equipment Association and published by the American National Standards Institute, required under part 7422.1100.

## **7422.0200 MOTORCYCLE ROAD GUARD; AUTHORITY; RESTRICTIONS.**

Subpart 1. **Statutory authority.** A motorcycle road guard who is certified by the commissioner is authorized under Minnesota Statutes, section 169.06, subdivision 4, and successor requirements, to:

A. stop and hold vehicles in place until it is safe for vehicles to proceed;

B. act as a flagger escorting a motorcycle group ride;

C. direct operators of motorcycles within a motorcycle group ride or other vehicle traffic, notwithstanding any contrary indication of a traffic-control device, including stop signs or traffic-control signals;

D. obtain consent from the chief of police, or the chief’s designee, of any city of the first class through which the group is proceeding; and

E. notify each statutory or home rule charter city through which the motorcycle group is proceeding.

Subp. 2. **Requirement to carry certificate.** In addition to the requirements in subpart 1, a motorcycle road guard must carry a valid motorcycle road guard certificate at all times and must produce proof of such certificate on demand of a peace officer.

Subp. 3. **Restrictions.** In order for a motorcycle road guard to escort a motorcycle group ride, the motorcycle group ride must be an organized gathering of motorcyclists of at least 20 motorcyclists that:

A. is sponsored by an entity that has liability insurance in force for all participants and organizers of the motorcycle group ride;

B. follows a route in accordance with the notification provided under Minnesota Statutes, section 169.06, subdivision 4;

C. is riding only in daytime hours; and

D. complies with the Minnesota Manual on Uniform Traffic-Control Devices, authorized under Minnesota Statutes, section 169.06, subdivision 1.

Subp. 4. **Requirement to produce proof of liability insurance.**



A. A motorcycle road guard must:

- (1) carry proof of liability insurance required under subpart 3; and
- (2) produce proof of such insurance on demand of a peace officer.

B. A motorcycle road guard who fails to produce proof of insurance must, within ten days of an officer's request under this subpart, produce the required proof of insurance stating that the security had been provided for the motorcycle group ride at the time of the demand to the commissioner.

C. The commissioner shall suspend the motorcycle road guard certificate of a person who does not comply with item B until proof of insurance is received by the commissioner.

Subp. 5. **Appeal.** A person whose motorcycle road guard certificate is suspended under this part may appeal the commissioner's action under the contested case procedures of Minnesota Statutes, chapter 14.

## **7422.0300 MOTORCYCLE ROAD GUARD CERTIFICATE; QUALIFICATIONS.**

Subpart 1. **Statutory requirements.** An applicant for a motorcycle road guard certificate must meet the requirements under *Minnesota Statutes*, section 171.60, subdivision 2.

Subp. 2. **Review of driving record.** The commissioner shall review the driving record of an applicant for a motorcycle road guard certificate upon initial application.

A. An applicant who does not have a Minnesota driver's license shall submit to the commissioner a certified copy of the applicant's driving record from the United States state where the applicant is licensed.

B. An applicant whose Minnesota driving record dates back less than five years from the date of the application must submit a certified copy of the applicant's driving record from the previous jurisdiction in which the applicant was licensed so that the commissioner can review five years of an applicant's driving record.

C. The commissioner shall accept and review a driving record with fewer than five years in the case where an applicant's age, at the time of an applicant's driver's license issuance, results in a driving record that contains fewer than five years.

D. A certified copy of a driving record submitted under this part must be dated no earlier than 30 days before the commissioner receives it.

Subp. 3. **Prior driving convictions, violations, and incidents.** No applicant for a motorcycle road guard shall have:

A. more than two petty misdemeanor convictions for any moving violation under *Minnesota Statutes*, chapter 169, or an equivalent violation from another state, for 24 months preceding the date of application;

B. any qualified prior impaired driving incident, or an equivalent violation from another state, for five years preceding the date of application;

C. any conviction under *Minnesota Statutes*, section 169.13, or an equivalent violation from another state, for five years preceding the date of application; and

D. any conviction under *Minnesota Statutes*, section 609.21, or an equivalent violation from another state.

Subp. 4. **Hearing.** An applicant must be able to speak and hear well enough to conduct a normal verbal conversation with another person at a distance of five feet, with or without a hearing aid.

Subp. 5. **Vision.** An applicant must be able to meet the vision requirements to obtain an unrestricted class D license, except that the restriction of corrective lenses enabling the applicant to meet the vision requirement is an acceptable restriction.

Subp. 6. **Vehicle insurance coverage.** An applicant must maintain vehicle insurance coverage pursuant to *Minnesota Statutes*, section 169.791.

# Proposed Rules

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## Subp. 7. Continuing requirements.

### A. Once certified, a motorcycle road guard must:

(1) remain in compliance with subparts 1 to 6;

(2) authorize the commissioner to annually review the motorcycle road guard's driving record; and

(3) submit a certified copy of the motorcycle road guard's driving record to the commissioner one year after the date of initial certification if the motorcycle road guard is not a Minnesota resident.

B. Any physical or mental disability of a motorcycle road guard that interferes with the safe operation of a motor vehicle under Minnesota Statutes, section 171.04 or 171.13, is governed under parts 7410.2100 to 7410.3000.

## **7422.0400 MOTORCYCLE ROAD GUARD INSTRUCTOR; QUALIFICATIONS.**

In order to instruct the motorcycle road guard certification course, an instructor applicant must be a current instructor authorized by the Minnesota Motorcycle Safety Center program, and must meet qualifications under parts 7411.0620 and 7411.0630, except that an instructor applicant is not subject to part 7411.0620, subpart 8, if the instructor applicant had a criminal history check performed within ten years preceding the date of application and the outcome of the check of the national criminal data repository did not indicate a criminal record where the applicant was convicted of a gross misdemeanor or felony.

## **7422.0500 MOTORCYCLE ROAD GUARD CERTIFICATE ISSUANCE; DISQUALIFICATION.**

### Subpart 1. Issuance.

A. Upon successful completion of the motorcycle road guard course and payment by an applicant of the program course fee under part 7422.0900, the commissioner shall issue a motorcycle road guard certificate for a period of two years. There is no automatic renewal for a motorcycle road guard certificate.

B. A person who was previously certified as a motorcycle road guard and whose certification has expired must re-enroll as an applicant by meeting the qualifications under part 7422.0300 and successfully completing the program curriculum in order to perform the duties of a motorcycle road guard under part 7422.0200.

### Subp. 2. Disqualification.

A. Once certified, failure of a person who holds a motorcycle road guard certificate to meet any of the requirements under part 7422.0300 is cause for the commissioner to disqualify the person's motorcycle road guard certificate.

B. The commissioner shall disqualify the motorcycle road guard certificate of a person who fails to submit a current driving record as required under part 7422.0300, subpart 7, within 13 months of initial certification.

Subp. 3. Appeal. A person whose motorcycle road guard certificate is disqualified under this part may appeal the commissioner's disqualification under the contested case procedures of Minnesota Statutes, chapter 14.

## **7422.0600 ALCOHOL AND CONTROLLED SUBSTANCES USE PROHIBITION; VIOLATION.**

Subpart 1. Prohibition of alcohol consumption and controlled substances use. A person who holds a motorcycle road guard certificate shall not perform the duties of a motorcycle road guard, either while operating a motor vehicle or while standing in, or in proximity to, an intersection, under part 7422.0200:

A. while consuming alcoholic beverages or while using controlled substances; or

B. after having consumed alcoholic beverages or after having used controlled substances.

Subp. 2. Use of preliminary screening test. When a peace officer has reason to believe that a motorcycle road guard may be violating or has violated subpart 1, the officer may require the driver to provide a sample of the motorcycle road guard's breath for a preliminary screening using a device approved by the commissioner for this purpose.

Subp. 3. Use of preliminary screening test result. Upon a positive test administered under subpart 2 of a motorcycle road guard, or a test refusal of a motorcycle road guard, a peace officer shall:

A. confiscate the road guard's certificate; and

B. notify the commissioner.

Subp. 4. **Administrative disqualification.** When the commissioner is notified under subpart 3 that a person who holds a motorcycle road guard certificate has violated this part or that a person who holds a motorcycle road guard certificate has refused a test under subpart 2, the commissioner shall:

A. disqualify the motorcycle road guard certificate; and

B. not issue a motorcycle road guard certificate to the person described in this subpart for a period of ten years from the date of disqualification of the motorcycle road guard certificate.

Subp. 5. **Reason to believe.** For purposes of this part, “reason to believe” means from the manner in which a motorcycle road guard is driving, operating, controlling, or acting upon departure from a motor vehicle, or has driven, operated, or controlled a motor vehicle, or grounds put forth in good faith which are not arbitrary, irrational, unreasonable, or irrelevant and which make the proposition asserted more likely than not. Grounds upon which reason to believe are based include:

A. facts or statements supplied by the motorcycle road guard;

B. driver’s license record and accident records;

C. court documents and police records;

D. facts of which the peace officer has personal knowledge; and/or

E. a blood, breath, or urine test indicating the presence of alcohol or controlled substances, or a test refusal.

Subp. 6. **Appeal.** A person whose motorcycle road guard certificate is disqualified under this part may appeal the commissioner’s disqualification under the contested case procedures of *Minnesota Statutes*, chapter 14.

#### **7422.0700 COURSE INSTRUCTION; FREQUENCY.**

A. The commissioner shall offer the motorcycle road guard certification course through the Minnesota Motorcycle Safety Center at least once per year.

B. The commissioner shall offer motorcycle road guard instructor training at least once per year.

#### **7422.0800 DATA CLASSIFICATION; USE OF INFORMATION.**

Subpart 1. **Data classified.** Data on individuals provided to obtain a motorcycle road guard certificate shall be treated as public data on individuals, except that the individual’s driving record is governed under *Minnesota Statutes*, section 171.12. For purposes of this part, “public data on individuals” has the meaning given in *Minnesota Statutes*, section 13.02, subdivision 15.

Subp. 2. **Required list.** The commissioner shall maintain a list of all persons who are certified as a motorcycle road guard on the department’s Web site. The list must contain only the following information:

A. full name;

B. motorcycle road guard certificate number; and

C. the expiration date of the motorcycle road guard certificate.

#### **7422.0900 COURSE FEE.**

The commissioner of public safety shall assess a fee to each applicant for a motorcycle road guard certificate, as provided by *Minnesota Statutes*, section 171.60, subdivision 3.

#### **7422.1000 VEHICLE REQUIREMENTS; RESTRICTIONS.**

Subpart 1. **Required equipment.** A motorcycle or passenger vehicle that is used by a motorcycle road guard in accordance with part 7422.0200 must be in safe operating condition and must be equipped with a wireless communications device that can be used to contact law enforcement in the event of a roadside emergency.

# Proposed Rules

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Subp. 2. **Restrictions.** A motorcycle or passenger vehicle that is used by a motorcycle guard in accordance with part 7422.0200 must not:

- A. use equipment or lighting for use exclusively by emergency vehicles;
- B. carry equipment that reduces the visibility of the driver or otherwise restricts the driver's ability to safely operate the vehicle; and
- C. contain any passengers under the age of 18.

## **7422.1100 ROAD GUARD FLAGGING EQUIPMENT; APPAREL REQUIREMENTS.**

Subpart 1. **Flagging equipment.** A motorcycle road guard who is performing traffic control in accordance with part 7422.0200 must use a collapsible STOP/SLOW paddle that:

- A. has an octagonal shape;
- B. is at least 18 inches wide with letters at least six inches high;
- C. on the STOP face, has white letters and white border on a red background;
- D. on the SLOW face, has black letters and a black border on an orange background; and
- E. is retro-reflective.

Subp. 2. **Required high-visibility safety apparel.** A motorcycle road guard must wear the high-visibility safety apparel in items A to D when acting as a flagger and performing traffic control in accordance with parts 7422.1000 and 7422.1100.

- A. The flagger must wear a safety vest and safety pants during low visibility situations, low light conditions, or inclement weather.
- B. The apparel in item A must be orange-red, fluorescent yellow-green, or a combination of the two as defined in the ANSI standard.
- C. The retro-reflective material of the apparel in item A must be orange, yellow, white, silver, yellow-green, or a fluorescent version of these colors and must be visible at a minimum distance of 1,000 feet.
- D. A shirt or jacket may be substituted for a vest provided that it meets the color and visibility requirements of this subpart.

Subp. 3. **ANSI/ISEA 107-2004 requirement.** A motorcycle road guard who is acting as a flagger and performing traffic control in accordance with part 7422.0200 must wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled "American National Standard for High-Visibility Apparel and Headwear" and labeled as meeting the ANSI/ISEA 107-2004 standard performance for Class 2 or 3 risk exposure. This standard is not subject to frequent change. A copy of the standard is available at the United States Department of Transportation, Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, D.C., 20590, or on the Internet at [http://mutcd.fhwa.dot.gov/resources/interpretations/pdf/6\\_09\\_12.pdf](http://mutcd.fhwa.dot.gov/resources/interpretations/pdf/6_09_12.pdf).

## **7422.1200 MOTORCYCLE ROAD GUARD CERTIFICATE PROGRAM; CURRICULUM.**

Subpart 1. **Curriculum requirements.** The classroom curriculum presented and delivered to each applicant enrolled in the program for motorcycle road guard certification must include:

- A. an opportunity for the applicant to analyze and assess several decision-making models and factors influencing highway-use decisions;
- B. instruction on the functions and use of required safety equipment, including provisions under parts 7422.1000 and 7422.1100, subparts 1 and 2; and
- C. theory of safety principles and guidelines in the motorcycle road guard field guide and the practical application, including:
  - (1) opportunities for the applicant to identify and analyze intersection types and road types;
  - (2) the principles and purpose of high-visibility safety apparel;

(3) principles and purpose of intersection control;

(4) best practices of group riding formations;

(5) information on how to prepare a motorcycle group ride route; and

(6) information on program consequences of alcohol use by a certified motorcycle road guard while performing road guard duties.

Subp. 2. **Operator proficiency.** A motorcycle road guard must demonstrate:

A. proficiency in stopping traffic and intersection management; and

B. a thorough and full knowledge of all provisions of this part.

**7422.1300 PENALTY.**

As provided in *Minnesota Statutes*, section 171.60, a person who violates any provisions or requirements of this chapter is guilty of a petty misdemeanor.

## 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 Board of Animal Health

### Notice of Quarterly Meeting of the Board 4 December 2013

**NOTICE IS HEREBY GIVEN** that the Minnesota Board of Animal Health will hold its quarterly meeting on Wednesday, December 4, 2013. The meeting will take place at 9:30 a.m. in room 280 of the Veterinary Diagnostic Laboratory, 1333 Gortner Ave, St. Paul, Minnesota.

## Minnesota Higher Education Facilities Authority

### Notice of Public Hearing on Revenue Obligations on behalf of the University of St. Thomas

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the  
(Cite 38 SR 585) *Minnesota State Register*, Monday 4 November 2013 Page 585

## Official Notices

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“Authority”) with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas (the “University”), as owner and operator of University of St. Thomas, at the Authority’s office at 380 Jackson Street, Suite 450, St. Paul, Minnesota on November 20, 2013 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an original principal amount of up to approximately \$26,500,000 to finance a project (the “Project”) consisting of the refunding of the Authority’s outstanding Revenue Bonds, Series Five-Y (University of St. Thomas), dated August 1, 2004, which were issued in the original principal amount of \$30,000,000 (the “Series Five-Y Bonds”).

The Series Five-Y Bonds were issued to provide funds to finance the construction, equipping and furnishing of Flynn Residence Hall (formerly known as Selby Residence Hall), a seven-story student residential hall and related parking facility owned and operated by the University and located on the University’s St. Paul, Minnesota campus, the principal street address of which is 2115 Summit Avenue, St. Paul, Minnesota.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: November 4, 2013.

By Order of the  
Minnesota Higher Education Facilities Authority  
Marianne Remedios, Executive Director

## Minnesota Department of Human Services (DHS) Health Care Administration Public Notice of Medical Assistance Alternative Benefit Plan

**NOTICE IS HEREBY GIVEN** to recipients, providers of services, and to the public of changes to the Medical Assistance program.

Effective January 1, 2014, the Department intends to enroll in managed care on a mandatory basis the following individuals eligible for Medical Assistance: adults eligible under Section 1902(a)(10)(A)(i)(VIII) of the Act and former foster children eligible under 1902(a)(10)(A)(i)(IX) of the Act (these are individuals under the age of 26, who are not otherwise mandatorily eligible, who were on Medicaid and in foster care when they turned age 18 or aged out of foster care).

Also effective January 1, 2014, the Department intends to expand its usage of competitive price bidding to contract with managed care organizations to provide coverage for children and adults who are not elderly or disabled, in Medical Assistance and MinnesotaCare. The expansion encompasses the 27 counties in northern Minnesota listed on the Department’s website:

*[http://www.dhs.state.mn.us/dhs16\\_139282.pdf](http://www.dhs.state.mn.us/dhs16_139282.pdf)*

Written comments and requests for information may be sent to Sean Barrett, Health Care Administration, Minnesota Department of Human Services, P.O. Box 64983, St. Paul, Minnesota 55164-0983, or by **e-mail at:** *sean.barrett@state.mn.us*

## Metropolitan Airports Commission (MAC) Notice of Adoption of Ordinance No. 118

Please take notice that on the 21st day of October, 2013 at a regular Commission meeting, the Metropolitan Airports Commission adopted Ordinance No. 118.

Reliever Airports Minimum Standards for General Aviation Commercial Aeronautical Operations Ordinance No. 118

An ordinance of the Metropolitan Airports Commission amending and specifying Minimum Standards, by amending and restating Ordinance No. 78, for General Aviation Commercial Aeronautical Operations

and Flying Clubs at the Commission's Reliever Airports.

Copies of Ordinance No. 118 as adopted will be on file with the Secretary of State and may be obtained electronically through accessing the Metropolitan Airports Commission website at

<http://www.metroairports.org/Airport-Authority/Metropolitan-Airports-Commission/Administration/Bylaws-and-Ordinances.aspx>

or may be obtained from the Metropolitan Airports Commission offices.

Dated this 29 day of October 2013.

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

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

### **Watershed Division**

### **Notice of Availability of the Draft Sunrise River Watershed Total Maximum Daily Load (TMDL) Report and Request for Comment**

**Public comment period begins:**

**November 4, 2013**

**Public comment period ends:**

**December 4, 2013**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Report for the Draft Sunrise River Water TMDL. The draft TMDL Report for the Sunrise River Watershed is available for review at <http://www.pca.state.mn.us/zihya01>. 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 received by the MPCA contact person by the public comment period end date shown above.

Required by the federal Clean Water Act, a TMDL is a scientific study 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. That plan will be released for public comment at a later date.

The Sunrise River Watershed is located in east-central Minnesota, east of the St. Croix River. Portions of four counties (Anoka, Chisago, Isanti, and Washington) are included in the project area of approximately 381 square miles. This report addresses nine (9) impairments on three stream reaches and four lakes in the Snake River Watershed. Impairments included in this report are 4 nutrient impaired lakes (Linwood Lake, Second Lake, Vibo Lake, and White Stone Lake), three E. Coli impaired reaches (Sunrise River from the confluence of the North Branch of the Sunrise to the confluence of the St. Croix River, and Hay Creek), one fish bio-assessment, macroinvertebrate bio-assessment impairment, and turbidity impairment for the West Branch of the Sunrise River.

While this public notice is for the TMDLs only, the MPCA and Local Partners are developing a Watershed Restoration and Protection Strategies (WRAPS) document that will be public noticed on its own on a later date. The reason for this is that the TMDLs for this watershed were already in development before the MPCA transitioned to the new WRAPS process.

**Preliminary Determination on the Draft TMDL Report:** The MPCA Commissioner has made a preliminary determination to submit this draft TMDL report to the U.S. Environmental Protection Agency (EPA) for final approval. A draft TMDL report is available for review at the MPCA office at the address listed below and at the MPCA website: <http://www.pca.state.mn.us/zihya01>.

**Written Comments:** You may submit written comments on the draft TMDL report or on the MPCA 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 report that you believe should be changed; and

# Official Notices

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3. The reasons supporting your position, stated with sufficient specificity as to allow the MPCA Commissioner to investigate the merits of your position.

Written comments on the draft TMDL report must be sent to the MPCA contact person listed below and received by 4:30 p.m. on December 4, 2013. The MPCA will prepare responses to comments received, make any necessary revisions of the draft TMDL report and submit it to the EPA for approval.

**Agency Contact Person:** Written comments and requests for more information should be directed to:

Christopher Klucas  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155  
**Phone:** (651) 757-2498 (direct)  
**Minnesota Toll Free:** 1-800-657-3864  
**Fax:** (651) 297-8676  
**E-mail:** [christopher.klucas@state.mn.us](mailto:christopher.klucas@state.mn.us)  
**TTY** users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

**Petition for Public Informational Meeting:** You may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting the MPCA may hold to solicit public comment and statements on matters pertaining to the TMDL study and process, 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 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 an 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 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 also submit a petition to the Commissioner requesting that the MPCA Citizen's 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. According to *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 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 comment, requests, and petitions submitted on or before the last day of the 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: November, 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 Department of Health (MDH) Office of Rural Health and Primary Care Notice of Loan Opportunity for the Minnesota Electronic Health Record Revolving Loan Program

The Minnesota Department of Health (MDH) is seeking applications for the Minnesota Electronic Health Record (EHR) Revolving Loan Program to support expanded adoption and effective use of interoperable electronic health record (EHR) systems and electronic health information exchange (HIE) to improve health care outcomes and the provider-patient relationship, and to increase health service delivery efficiencies.

The total amount of funding for the EHR Loan Program is estimated at \$2,500,000. The no-interest loan is for a six-year period beginning after loan fund disbursement, with the first year deferred.

A copy of the full Application will be online November 4, 2013, at <http://www.health.state.mn.us/divs/orhpc/funding/index.html#ehr>. A copy may also be obtained by contacting Anne Schloegel at (651) 201-3850 or **e-mail:** [anne.schloegel@state.mn.us](mailto:anne.schloegel@state.mn.us). Applications must be mailed to Anne Schloegel, Minnesota Department of Health, Division of Health Policy, Office of Rural Health and Primary Care, P.O. Box 64882, St. Paul, MN 55164-0882. Courier address for delivery of applications is 85 East 7<sup>th</sup> Place, Suite 220, St. Paul, MN 55101. Applications must be received by 4:30 p.m. on December 19, 2013.

## 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 Department of Administration (Admin) Advertising of Solicitations through the Supplier Portal

**NOTICE IS HEREBY GIVEN** that a new accounting and procurement system, called Statewide Integrated Financial Tools (SWIFT) has been implemented by the state of Minnesota which will alter the manner in which state contracts are advertised. Vendors will interact with the state through the new Supplier Portal, which is part of SWIFT. The Supplier Portal serves as an entry point for vendors to perform a variety of functions related to participation in the state's procurement activities such as vendor registration, review of contracting opportunities and submission of bids and proposals.

The Supplier Portal is found at: <http://supplier.swift.state.mn.us>. Solicitations that are announced in the Supplier Portal are not required to be announced elsewhere.

To see details of the solicitations announced in the Supplier Portal, or to respond to those solicitations, you must be a registered vendor. To become a registered vendor, go to the Vendor Registration Link in the Supplier Portal.

After a transition period, it is expected that most solicitations for professional/technical services will be announced in the Supplier Portal. In the meantime, solicitations may continue to be announced in any of these locations:

- The *State Register*
- The Department of Administration's website at: <http://www.mmd.admin.state.mn.us/solicitations.htm>
- On individual agency websites

During this transition period, vendors are encouraged to check for solicitations in the Supplier Portal and all of these locations.

## Minnesota Department of Administration (Admin) Notice of Request for Proposals for Influenza Vaccine from Vaccine Distributors

The Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP), is requesting responses from influenza vaccine distributors in order to establish a two year contract, with the option to extend for three additional one-year-terms for supplying influenza vaccine to MMCAP Participating Facilities.

MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for pharmaceuticals. MMCAP members currently purchase over \$1.2 billion per year. For more information, go to [www.mmcap.org](http://www.mmcap.org) (no password necessary).

To request a copy of the RFP, send an e-mail to: [mn.multistate@state.mn.us](mailto:mn.multistate@state.mn.us)

Or write to:

**Influenza Vaccine from Vaccine Distributors RFP Request**  
MMCAP  
c/o Minnesota Department of Administration

# State Contracts

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50 Sherburne Avenue, Suite 112  
St. Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this notice must be received at the address specified in the Request for Proposals no later than December 16, 2013, 2 p.m. Central Time. **Late proposals will not be considered.**

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice is solely the responsibility of the responder.

## Minnesota Department of Health (MDH) Notice of Availability of Contract for Encounter Database Administrator

The Minnesota Department of Health is requesting proposals from vendors to collect and appropriately aggregate data from health claim payers in Minnesota to maintain and continue to build the state's all payer claims database, starting December 23, 2013. The claims data must be collected from approximately 60 data submitters; collection aggregation and storage of data must meet the highest standards of completeness, quality, timeliness, and security to support quality and cost transparency efforts, such as Provider Peer Grouping and studies authorized by the Minnesota legislature. The process of collecting, aggregating, and storing data must explicitly meet all state and federal data security requirements, including the federal Department of Health and Human Services' standards under the Qualified Entity Certification Program. Processed data must be made available to MDH and its designees on a periodic basis through regular data extracts of processed and consolidated data files that minimize data lags and under security provision specified by MDH. The selected vendor must work with MDH and any assigned MDH contractors on tasks related to determining the completeness and quality of data, as well as the feasibility of using the data for certain authorized projects. This process may include selective auditing of data; comparing of enrollment and claims counts by payers, market characteristics, and over time; troubleshooting of data aggregation methodology, and preparing summary data within sufficient timelines.

Throughout the contract, the vendor will communicate with MDH, reporters, and other MDH designees on a regular basis to maintain the database and ensure appropriate access to data for official use by authorized researchers.

Work is proposed to start on December 23, 2013.

A Request for Proposals will be available by mail or email from this office through November 20, 2013. **A written or electronic request is required to receive the Request for Proposal.** After November 20, 2013, the Request for Proposal must be picked up in person or may be requested electronically.

The Request for Proposal can be obtained from:

Sue Manning  
Health Economics Program  
Minnesota Department of Health  
Golden Rule Building, Suite 220  
85 East 7th Place  
St. Paul, MN 55101  
**E-mail:** [Sue.manning@state.mn.us](mailto:Sue.manning@state.mn.us)  
**Fax:** (651) 201-3561

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:30p.m., Central Time, November 25, 2013. **Late proposals will not be considered.** Fax 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.

## **Minnesota Department of Health (MDH)**

### **MN.IT Services at the Minnesota Department of Health**

### **Notice of Request for Proposals for Electronic Messaging Services**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health (MDH) is requesting proposals for the purpose of having a vendor provide the agency with a subscription service for secure electronic information exchange based on a directed push approach using the Direct Project specifications and standards (Direct). The vendor/service provider must also have the capability or be willing to develop the capability to provide future secure electronic information exchange service to MDH, via subscription, based on a query & response approach using the CONNECT open source software solution (CONNECT). The vendor/service provider will also develop an automated, secure electronic interface between the Direct implementation and MDH's internal messaging infrastructure and have the capability to extend the interface to support query and response.

CONNECT and Direct are protocols defined and supported by the Office of the National Coordinator for Health Information Technology (ONC) at the US Department of Health and Human Services (HHS), which has created a set of standards, services, and policies that enables the secure exchange of health information over the Internet.

Work is proposed to start January 6, 2014.

Prospective responders may request a copy of the Request for Proposals via email through November 25, 2013. **A request must be sent via e-mail to receive the Request for Proposals.**

The Request for Proposals can be obtained from:

D. William O'Brien, Project Manager  
MN.IT Services at the Minnesota Department of Health  
**E-mail:** *william.obrien@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the email address above no later than 4:30 p.m., Central Standard Time, November 27, 2013. **Late 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.

## **Minnesota Historical Society (MHS)**

### **Request for Proposals for Consultant for Government Relations Services**

The Minnesota Historical Society (the Society) is seeking competitive proposals from a qualified Governmental Affairs consulting firm to assist in the development and execution of a government and community relations comprehensive plan that would build support for the Society's 2014 capital budget request.

The Request for Proposals is available by emailing Mary Green Toussaint, Acting Contracting Officer, at *mary.green-toussaint@mnhs.org*.

Proposals must be received by the Society's Acting Contracting Officer, Mary Green Toussaint, or her agent by **Monday, November 18, 2013 at 2:00 p.m. Local Time**. Late proposals will not be accepted.

Authorized agents for receipt of proposals are staff located at the Information Desk on the first floor of the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

Dated: 4 November 2013

# State Contracts

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## Minnesota Judicial Branch

### Fourth Judicial District

#### Notice of Request for Proposals for Technology Infrastructure Assessment

The Fourth Judicial District is seeking a highly qualified technical consultant specializing in network resource management, data infrastructure and architecture solutions and data center management that can provide an overall assessment and provide recommendations to improve the efficiency and cost-effectiveness of the current data center model; offer a technical assessment of the shared infrastructure environment between the STATE (through the 4th Judicial District) and Hennepin County Information Technology Department; and recommend infrastructure improvements leading to a more responsive and cost-effective infrastructure support model.

A copy of the full RFP is posted on the **Fourth Judicial District's website**. RFP Submission Deadline Date is **Monday, November 25, 2013**. All proposers are encouraged to thoroughly read the entire RFP solicitation.

Questions may be directed to: John Erar, Chief Information Officer, 4th Judicial District, C-1250 Government Center, 300 South Sixth Street, Minneapolis, MN 55487-0421. E-mail: [john.erar@courts.state.mn.us](mailto:john.erar@courts.state.mn.us)

## Minnesota Management and Budget (MMB)

### Request for Proposal for Master Equipment Lease Purchase Financing Program

Request for Proposal to provide a Master Equipment Lease Purchase Financing Program for the State of Minnesota Internal Service Funds operated by the Commissioner of Administration and the Office of Information Technologies (MN.IT). The Department of Management and Budget expects to finance the purchase of approximately \$19,834,000 of equipment during the first year of the contract and approximately \$22,305,000 of equipment during the second year of the contract. The Department of Management and Budget is seeking proposals from qualified firms to provide lease purchase financing pursuant to a Master Equipment Lease Purchase Agreement.

Deadline for submission of the Proposal is no later than **4:30 PM CT, Wednesday, November 20, 2013**.

For further information or to obtain a copy of the complete proposal materials, contact Jessica Cameron Mitchell of Public Financial Management, Inc., the State's financial advisor for this transaction at [cameronj@pfm.com](mailto:cameronj@pfm.com).

## 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:

Jason LaFrenz, Marketing Director  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
**Telephone:** (651) 635-8230  
**Toll-free:** 1-888-568-8379 ext. 230  
**Fax:** (651) 297-7496  
**TTY:** (651) 635-8268  
**E-mail:** [jasonla@mnlottery.com](mailto:jasonla@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 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.

# State Contracts

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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.grants.state.mn.us/public/>.

## Dakota County

### Request for Proposal (RFP) for the SHIP Tobacco Initiative for Smoke-Free Multi-Housing Units

**NOTICE IS HEREBY GIVEN** that Dakota County is seeking a vendor to manage a smoke-free multi-housing intervention that is part of the State Health Improvement Program (SHIP) for Dakota County Public Health. The qualified vendor will have proven experience working on SHIP Tobacco initiatives within the targeted area of housing and will have the capability to manage all related objectives to achieve stated outcomes as outlined in the RFP.

This contract will begin on January 1, 2014 and will be in effect until October 31, 2015. Funding allocated for this intervention is \$72,150.

Contact: Therese Richard, Contract Manager  
Dakota County Community Services Division  
1 Mendota Road West, Suite 500  
West St. Paul, MN 55118-4773  
**Phone:** (651)554-5878  
**Email:** [therese.richard@co.dakota.mn.us](mailto:therese.richard@co.dakota.mn.us)

The RFP will be posted on Monday, November 4, 2013 at the following website:  
<http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

Questions may be answered online or by phone until Thursday, November 7 at 12:00 noon by contacting Therese Richard at the phone or email address listed above. Deadline for proposals is 12:00 noon (CDT) on Thursday November 14, 2013. Late proposals will not be considered.

## Metropolitan Airports Commission (MAC)

### Minneapolis-St. Paul International Airport

#### Notice of Call for Bids for 2013 GSE Power Charger Installation

**MAC Contract No.** 106-3-499  
**Bids Close At:** 2:00 PM on November 12, 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 the installation of battery charging equipment for Ground Service Equipment (GSE).

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

# Non-State Public Bids, Contracts & Grants

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**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 September 30, 2013, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

## *Minnesota's Bookstore*

660 Olive Street (Williams Hill Business Development), St. Paul, MN 55155

(1 block east of I-35E Bridge, 1 block north of University Ave.)

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E-mail: <http://www.minnesotasbookstore.com>

Order Online at [www.minnesotasbookstore.com](http://www.minnesotasbookstore.com)

### **ALL NEW EDITIONS:**

#### ***ANNUAL COMPILATION & STATISTICAL REPORT OF MULTI-MEMBER AGENCIES***

Published by the Secretary of State, 8-1/2"x11", loose leaf, no binder, 287-pages, Stock No. 403, hard copy version or PDF:  
\$19.95 + tax

#### ***CHILD CARE CENTER LAWS & RULES - NEW EDITION***

Published by the Department of Human Services, 6" x 9", perfect bound, 205-pages, Stock No. 149, \$19.95 + tax

#### ***COSMETOLOGY LAWS - NEW EDITION***

Published by the Cosmetology Board, 6" x 9", Soft binding, 17-pages, Stock No. 110, \$11.00 + tax

#### ***CRIMINAL CODE - NEW EDITION***

Published by the Dept. of Public Safety, 6"x9", Loose leaf, three-hole punch, 730-pages, Stock No. 111, \$38.95 + tax.

#### ***DATA PRACTICES LAWS & RULES - NEW EDITION***

Published by the Department of Administration, 6"x9", perfect bound, 196-pages, Stock No. 99, \$21.95 + tax

## **FAMILY IN-HOME DAY CARE LAWS & RULES - NEW EDITION**

Published by the Department of Human Services, 6"x9", perfect bound, 193-pages, Stock No. 148, \$19.95 + tax

## **LIQUOR LAWS & RULES - NEW EDITION**

Published by the Department of Public Safety, 6"x9", perfect bound, 102-pages, Stock No. 126, \$18.95 + tax

## **MOTOR VEHICLE & TRAFFIC LAWS - NEW EDITION**

Published by the Department of Public Safety, 6"x9", loose leaf, three-hole punched, 408-pages, Stock No. 116, \$32.95 + tax

## **NURSING LAWS - NEW EDITION**

Published by the Board of Nursing, 6"x9", Saddle Stitched, 32-pages, Stock No. 119, \$11.00 + tax

## **PHARMACY LAWS - NEW EDITION**

Published by the Pharmacy Board, 6"x9", perfect bound, 160-pages, Stock No. 114, \$18.95+ tax.

## ***ALSO . . . . .***

### ***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).**

## ***Great Gift Books -- FROM MINNESOTA'S BOOKSTORE:***

### **Minnesota History:**

<i>Six Feet Under: A Graveyard's Guide to Minnesota</i>	Stock Number 922	\$14.95
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<i>Minnesota Place Names: A Geographical Encyclopedia</i>	Stock Number 905	\$49.95
<i>Minnesota State Capitol: The Art &amp; Politics of a Public Building,</i>	Stock Number 945	\$16.95
<i>The M-Files: True Reports About Minnesota's Unexplained Phenomena</i>	Stock Number 1082	\$14.95
<i>Ghost Stories of Minnesota</i>	Stock Number 1009	\$10.95
<i>Minnesota Memories &amp; Images</i>	Stock Number 1108	\$11.95



**Several convenient ways to order:**

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

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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.

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\$25.01-\$50.00	\$ 9.00
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\$100.01-\$1,000	\$ 17.00*
<small>*\$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.</small>	
More than \$1,000	Call

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

Shipping \_\_\_\_\_

Subtotal \_\_\_\_\_

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

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

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

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