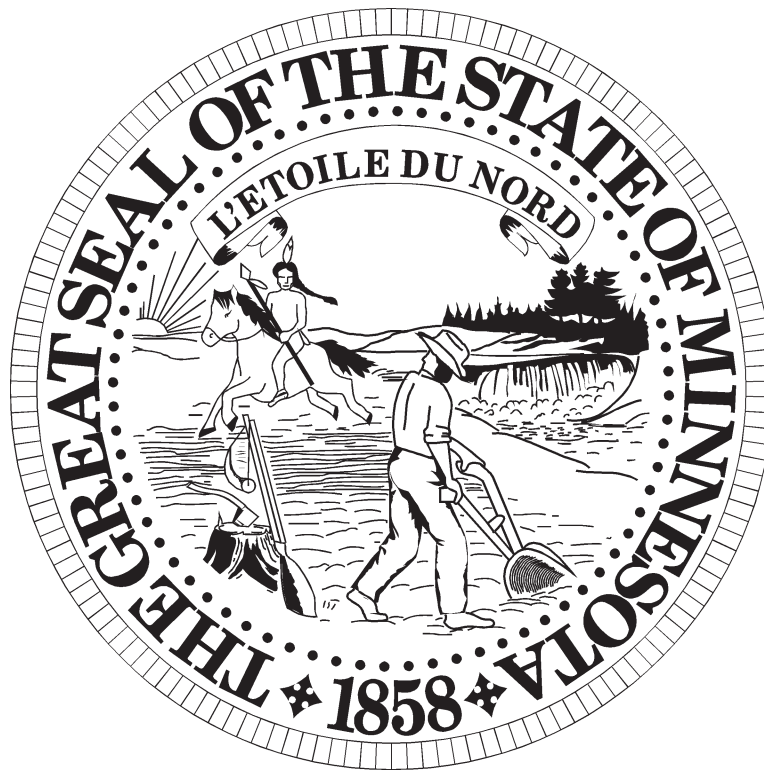


Minnesota

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 26 October 2015
Volume 40, Number 17
Pages 463 - 488**

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- Withdrawn Rules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. 40 Issue Number | PUBLISH DATE (BOLDFACE shows altered publish date) | Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts | Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline) |
|----------------------------|---|---|---|
| # 18 | Monday 2 November | Noon Tuesday 27 October | Noon Thursday 22 October |
| # 19 | Monday 9 November | Noon Tuesday 3 November | Noon Thursday 29 October |
| # 20 | Monday 16 November | Noon Tuesday 10 November | Noon Thursday 5 November |
| # 21 | Monday 23 November | Noon Tuesday 17 November | Noon Thursday 12 November |

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Minnesota Rules: Amendments & Additions

Vol. 40, #1-17: Monday 6 July - Monday 26 October 2015..... 466

Proposed Rules

Labor and Industry Department (DLI)

Occupational Safety and Health Division:
Proposed Permanent Rules Relating to OSHA; Construction Safety
and Technical Update..... 467

Psychology Board

Proposed Permanent Rules Relating to Psychologist Licensing..... 469

Expedited Rules

Health Department (MDH)

Division of Health Policy:
Proposed Expedited Permanent Rules Relating to Health Care Quality..... 472

Official Notices

Agriculture Department (MDA)

Pesticide and Fertilizer Management Division:
Request for Comments on Proposed Rule Governing Nitrogen
Fertilizer, *Minnesota Rules*, 1573; Revisor's ID Number R-04337..... 474

Labor and Industry Department (DLI)

Labor Standards Unit:
Correction to Highway Heavy Prevailing Wage Rates for Some
Electricians and Millwrights..... 477

Pollution Control Agency (MPCA)

Request for Comments on Planned Amendments to Water Quality Sulfate
Standard to Protect Wild Rice and Identification of Wild Rice Waters,
Minnesota Rules Chapters 7001, 7050, 7052, and 7053..... 477

Revenue Department (MDOR)

Official Notice: Cigarette Sales Tax – Rate Change;
Cigarette Excise Tax – Rate Change..... 480

Teachers Retirement Association (TRA)

Meeting of the TRA Audit Committee 17 November 2015..... 481

Meeting of the Board of Trustees 18 November 2015..... 481

Transportation Department (Mn/DOT)

Notice to Bidders: Suspensions/Debarments as of January 12, 2015..... 481

State Grants & Loans

Minnesota Judicial Branch

Legal Services Advisory Committee (LSAC):
Request for Proposals to Provide Community Redevelopment, or
Foreclosure Prevention, Legal Assistance..... 482

State Contracts

Colleges and Universities, Minnesota State (MnSCU)

Bemidji State University:
Request for Proposals for Bookstore Management..... 483

Campus Service Cooperative:

Request for Proposals for Digital Signature Services..... 483

Sports Facilities Authority (MSFA)

Advertisement for Proposals for Carrier Neutral Fiber Network..... 484

Advertisement for Proposals for Crowd Control Equipment..... 484

Transportation Department (Mn/DOT)

Engineering Services Division:

Contracting Opportunities for a Variety of Highway Related
Technical Activities (“Consultant Pre-Qualification Program”)..... 485

Engineering Services Division:

Professional/Technical Contract Opportunities and
Taxpayers’ Transportation Accountability Act Notices..... 485

Minnesota Zoo

Request for Proposals for Minnesota Zoo Creative Services for
Marketing Programs..... 486

Minnesota’s Bookstore..... 486

A Subscription Gets You the *Earliest Delivery* and Saves You Time and Cash..... 487

Other Helpful Resources:

For additional contracts go to:
<http://www.mmd.admin.state.mn.us/solicitations.htm>

Contract information is available from the Materials Management (MMD)
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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

Volume 40 - Minnesota Rules

Rules Appearing in Issue #14-17:

Monday 5 October - Monday 26 October 2015

Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design Board

1800.0300; .0400; .0450; .0600; .0800; .1000; .2100; .2200; .3505;
.5200 (adopted)..... 431
1800.3800; .3850 (repealed)..... 431

Health Department (MDH)

Division of Health Policy:

4654.0800 (proposed expedited)..... 472

Labor and Industry Department (DLI)

Occupational Safety and Health Division:

5205.0010; .0030; 5207.0100; .1000 (proposed)..... 467

MNsure

7700.0101; .0105 (proposed expedited)..... 449

Psychology Board

7200.0550; .0820; .1300 (proposed)..... 469
7200.0200; .0600; .0800 (proposed repealer)..... 469

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 Labor and Industry (DLI)

Occupational Safety and Health Division

Proposed Permanent Rules Relating to OSHA; Construction Safety and Technical Update

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (*Minnesota OSHA*) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* §182.655. This notice proposes the adoption of an Occupational Safety and Health Standard already proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA); and, a technical update to three *Minnesota Rules*.

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* §182.655 and *Minnesota Rules* 5210.0020 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Ken Peterson, Commissioner
Department of Labor and Industry

Proposed Rules

SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. To review the complete *Federal Register* notice referenced below, visit www.osha.gov.

(A) **”Confined Spaces in Construction; Final rule.”** On May 4, 2015, Federal OSHA published a final rule in the *Federal Register* adding a new subpart to provide protections to employees working in confined spaces in construction. This new subpart replaces OSHA’s one training requirement for confined space work with a comprehensive standard that includes a permit program designed to protect employees from exposure to many hazards associated with work in confined spaces, including atmospheric and physical hazards. The final rule is similar in content and organization to the general industry confined spaces standard, but also incorporates several provisions from the proposed rule to address construction-specific hazards, accounts to advancements in technology, and improves enforceability of the requirements. This final rule was effective August 3, 2015, at the federal level.

By this notice, Minnesota OSHA proposes to adopt the final rule as published in the *Federal Register* May 4, 2015.

(B) **“Minnesota Rules 5205.0030, 5207.0100, and 5207.1000; technical update.”** Minnesota OSHA is updating an outdated NFPA reference that occurs in each of these three rules. The requirements of the rules will not change.

By this notice, Minnesota OSHA proposes to adopt the technical update to the Minnesota Rules as written.

Rules as Proposed (Revisor’s Copy)

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

AA. *Federal Register*, Volume 80, No. 85, pages 25366-25526, dated May 4, 2015: “Confined Spaces in Construction; Final Rule.”

[For text of subp 7, see M.R.]

5205.0030 HIGH VISIBILITY PERSONAL PROTECTIVE EQUIPMENT.

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

Subp. 4. **Electrical work.** For work within the flash protection boundary as defined by NFPA 70E Part H-2-1.3.3.2, high visibility garments constructed of material that complies with NFPA 70E shall be worn.

Subp. 5. [Repealed, 31 SR 517]

5207.0100 HIGH VISIBILITY PERSONAL PROTECTIVE EQUIPMENT.

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

Subp. 4. **Electrical work.** For work within the flash protection boundary as defined by NFPA 70E Part H-2-1.3.3.2, high visibility garments constructed of material that complies with NFPA 70E shall be worn.

Subp. 5. [Repealed, 31 SR 517]

5207.1000 OPERATION OF MOBILE EARTH-MOVING EQUIPMENT.

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

Subp. 7. **Electrical work.** For work within the flash protection boundary as defined by NFPA 70E Part H 2-1.3.3.2, high visibility garments constructed of material that complies with NFPA 70E may be worn.

Subp. 8. [Repealed, 31 SR 517]

Minnesota Board of Psychology

Proposed Permanent Rules Relating to Psychologist Licensing

REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Examination Requirements for Licensure as a Licensed Psychologist (EPPP Admission) and Supervised Psychological Employment (Adding Supervision Plans), *Minnesota Rules, 7200.0550 and Minnesota Rules 7200.0820*; Revisor's ID Number RD4329

Subject of Rules. The Minnesota Board of Psychology (Board) requests comments on its possible amendment to rules: (1) governing the admission to the Examination for Professional Practice in Psychology (EPPP); and (2) the way in which postdoctoral students begin and prepare for their postdoctoral supervised psychological employment experience.

The proposed EPPP rule proposes to limit the number of attempts at the EPPP to 4. Issues identified with repeated, unlimited attempts at the EPPP include: (1) concerns regarding competency to practice clinical psychology; (2) the need for additional support and remediation of applicants unable to pass the EPPP following three (3) attempts; (4) concerns related to the protection of the public by ensuring adequately trained and educated psychologists; (5) examination security and access; (6) threats to the continued access by the Board to the national examination; and (7) meeting the national standard for attempts at the EPPP.

The proposed rule related to postdoctoral supervised employment is intended to proactively assist applicants in properly completing the requisite supervised clinical training in accordance with the existing statutes and administrative rules and to provide notice, oversight, and additional regulation of those applicants engaging in unlicensed practice of psychology under supervision in preparation for licensure in the State of Minnesota. In pertinent part, the absence of pre-approved postdoctoral supervision plans raises the following issues: (1) individuals not pursuing licensure practicing psychology without a license; (2) improperly conducted supervision placing clients (Minnesota citizens) at risk including: (a) lack of primary supervision; (b) lack of the requisite number of hours of supervision; (c) lack of the appropriate clinical site for the supervised experience; (d) improperly qualified supervisors or designated supervisors; (e) lack of appropriate clinical responsibility for supervision; (f) denial of licensure based on inadequate supervision; (g) increased investigation and corrective or disciplinary action related to supervision. The proposed rule adds a requirement to submit a supervision plan *prior* to beginning the supervised experience to ensure compliance with the statutory and administrative rule requirements and to save applicants time, money, and work when postdoctoral supervised experiences are conducted improperly. Additionally, prior approval of supervisions plans is intended to save applicants time, money, and effort in completing their experience allowing them to become licensed in a more efficient manner and to ensure the public is adequately protected by appropriate supervisory oversight of applicants preparing for licensure.

Persons Affected. The amendment to the rules would likely affect: (1) applicants for licensure applying for admission to the Examination for Professional Practice in Psychology (EPPP); (2) Applicants for the EPPP who are unable to pass the EPPP in three attempts; (3) Applicants for the EPPP who are unable to pass the EPPP in four attempts; (4) citizens receiving psychological services in the State of Minnesota; (5) applicants for licensure by the Minnesota Board of Psychology wishing to begin a postdoctoral supervised employment experience following the conferral of a graduate degree in psychology; (5) individuals qualified to provide supervision to postdoctoral applicants (primary and designated supervisors); (6) entities employing postdoctoral applicants to provide psychological services prior to licensure (including psychological firms, mental health clinics, hospitals, private licensed providers of mental health services, city, county, state, and federal entities employing postdoctoral applicants prior to licensure.

Statutory Authority. *Minnesota Statutes*, section 148.905, subd. 1(1), authorizes the Board to adopt rules for licensing psychologists...and for regulating their professional conduct. *Minnesota Statutes*, section 148.905, subd. 1(3), requires the Board to “adopt and implement rules for examinations which shall be held at least once a year to assess applicants’ knowledge and skills. The examinations may be written or oral or both, and may be administered by the board or by institutions or individuals designated by the board.” Additionally, *Minnesota Statutes*, section §148.98, requires the Board to “adopt rules of conduct to govern an applicant’s or licensee’s practices or behavior.”

Proposed Rules

Public Comment. Interested persons or groups may submit comments or information on these possible rules in **writing or orally until 4:30 p.m. on Thursday, December 24th, 2015**. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts. The Board has drafted the possible rules amendments which will be available before publication of the proposed rule.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Angelina M. Barnes, Executive Director at The Board of Psychology, 2829 University Avenue SE, Suite 320, Minneapolis, MN 55414, **phone:** (612) 617-2230, **fax:** (612) 617-2240 and/or **e-mail:** psychology.board@state.mn.us.

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

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

Dated: 26 October 2015

Angelina M. Barnes, Executive Director
Minnesota Board of Psychology

7200.0550 EXAMINATION REQUIREMENTS FOR LICENSURE.

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

Subp. 3. **Requirements for admission to examination.** An applicant shall not apply for the national standardized examination or the professional responsibility examination until after the requirements for the degree have been completed. In order to be admitted to examination an applicant shall:

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

B. provide official transcripts of all graduate work, including verification of the degree granted, to be submitted directly to the board from the institution granting the degree. Official transcripts shall be received in the board office prior to processing the application; and

~~C. for an application based upon the equivalent of a master's degree in a doctoral program, provide for that equivalency to be verified in writing directly to the board by the degree program director or equivalent. Verification shall be received in the board office prior to processing the application; and~~

~~D. C. have met the applicable requirements of part 7200.1300 and the requirements of part 7200.1500 or 7200.1600, if applicable.~~

[For text of subs 4 and 5, see M.R.]

Subp. 6. **Failure to pass or take examination.** An applicant who ~~has failed an~~ fails the examination ~~or failed to appear for an examination~~ may reapply to take the examination, ~~subject to any limitations imposed by the Association of State and Provincial Psychology Boards or the test vendor. up to three times, subject to any limitations imposed by the test owner. Prior to reapplying for a fourth and final attempt at the examination, an applicant shall come before the board and provide evidence that the applicant has taken action to resolve the deficiencies in performance. The burden of demonstrating remediation is on the applicant. The applicant shall pay the current nonrefundable application fee with each application fee in effect at the time of application for admission to examination.~~

7200.0820 SUPERVISED PSYCHOLOGICAL EMPLOYMENT.

Within 15 days prior to starting supervised psychological employment, an applicant shall submit, in a manner specified by the board, a supervision plan for approval. This plan shall include:

A. applicant's name and contact information;

Proposed Rules

B. proof of a doctoral degree with a major in psychology from a regionally accredited educational institution;

C. address of the setting where the supervised psychological employment shall take place;

D. primary supervisor's name and address, and proof that the primary supervisor meets the statutory qualifications of *Minnesota Statutes*, section 148.925, subdivision 3, paragraph (b);

E. designated supervisor's name and address if applicable, and proof that the designated supervisor meets the statutory qualifications of *Minnesota Statutes*, section 148.925, subdivision 3, paragraph (b), clause (5);

F. number of hours per week engaged in professional psychological duties;

G. number of hours of individual in-person supervision by the primary supervisor per week; and

H. number of hours of designated supervision, if applicable, per week.

An applicant needing to modify a supervision plan shall submit all modifications to the board for review and approval at least 15 days in advance of implementing any modification to the supervised psychological employment. Modifications made without advance board approval are subject to exclusion as hours accrued for the purpose of licensure.

Upon completion of the supervised psychological experience, the applicant shall submit information confirming the completion of the supervised psychological experience in a manner specified by the board. All postdoctoral supervision hours are subject to final review and primary source verification by the board. Approval of a supervision plan does not guarantee licensure.

7200.1300 EDUCATIONAL REQUIREMENTS FOR LICENSURE.

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

Subp. 5. **Degree requirements.** The doctoral degree must be from a program that is an organized sequence of study in psychology and must meet the requirements in items A and B.

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

C. The applicant shall complete a predegree supervised experience in psychology. The experience must meet the criteria in subitems (1) to (10).

[For text of subitems (1) to (7), see M.R.]

(8) The primary supervisor shall be:

(a) a Minnesota licensed psychologist; or

(b) an individual who is credentialed as a psychologist in another jurisdiction; or

~~(c) an individual who has a doctoral degree with a major in psychology and who is employed by a regionally accredited educational institution or by a federal, state, county, or local government, institution, agency, or research facility.~~

[For text of subitems (9) and (10), see M.R.]

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

[For text of subp 6, see M.R.]

REPEALER. *Minnesota Rules*, parts 7200.0200; 7200.0600; and 7200.0800, are repealed.

Expedited Rules

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

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

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

Minnesota Department of Health (MDH)

Division of Health Policy

Proposed Expedited Permanent Rules Relating to Health Care Quality

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Expedited Amendments to Permanent Rules Relating to Health Care Quality Measures, *Minnesota Rules, Chapter 4654*

Introduction. The Department of Health intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. Interested persons or groups may submit written comments on the proposed expedited rules until November 25, 2015.

Agency Contact Person. Interested persons or groups must submit comments or questions on the rules to: Denise McCabe, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882, (651) 201-5530, fax: (651) 201-201-5179, and health.reform@state.mn.us.

Subject of Rules and Statutory Authority. The Minnesota Department of Health adopted *Minnesota Rules* Chapter 4654 in December 2009 and amended it in 2010, 2011, 2012, 2013, and 2014 to implement part of the comprehensive 2008 state health reform law. Consistent with *Minnesota Statutes* 62U.02, these rules established a standardized set of quality measures that the Department uses to assess the quality of services offered by health care providers. These measures include the specific details for the data that physician clinics and hospitals must submit annually to the Minnesota Department of Health or to the Commissioner's designee for public reporting. The rules also specify:

- requirements for physician clinics and hospitals to submit quality data to the Minnesota Department of Health or its designee;
- obligations for physician clinics and hospitals to cooperate with data validation procedures;
- a restriction on health plans prohibiting them from requiring providers to use and report data on quality measures not included in the standardized set; and
- annual review by the Minnesota Department of Health of existing quality measures and evaluation and adoption of new measures into the standardized set.

The Commissioner is required to review the adopted quality measures annually and propose any additions, deletions, or modifications annually through expedited rulemaking. Consequently, the Commissioner is proposing several amendments to the existing rules, including its appendices:

- an updated reference to the appendices incorporated into the rule by reference in Part 4654.0800;
- the addition of race, ethnicity, language, and country of origin data elements to data submission requirements for three physician clinic quality measures—Optimal Asthma Control-Adult, Optimal Asthma Control-Child, and Colorectal Cancer Screening—beginning July 2017, and for two physician clinic quality measures—Optimal Diabetes Care and Optimal

Expedited Rules

Vascular Care—beginning January 2018;

- the addition of three composite measures for prospective payment system hospitals that align with reporting requirements for the federal Centers for Medicare & Medicaid Services (CMS) Value-Based Purchasing programs—Hospital Value-Based Purchasing, Hospital Readmissions Reduction, and Hospital-Acquired Condition Reduction—that will be calculated by CMS and the Minnesota Hospital Association;
- the alignment of critical access hospital measures with reporting requirements for the federal Medicare Beneficiary Quality Improvement Project (MBQIP);
- the removal of 12 hospital measures; and
- modifications and clarifications to existing measures for physician clinics and hospitals.

These changes are part of the appendices to the rule, which may be found at:

www.health.state.mn.us/healthreform/measurement/index.html .

The statutory authority to adopt this rule is *Minnesota Statutes* §62U.02. The statutory authority to adopt this rule under the expedited rulemaking process is *Minnesota Statutes* §62U.06, subd. 3. A copy of the proposed rule is published in the State Register and attached to this notice as mailed. The proposed expedited rule and appendices may be viewed at:

www.health.state.mn.us/healthreform/measurement/index.html .

A free copy of the appendices related to this proposed rule is also available upon request from the agency contact person listed above.

Comments. Interested persons or groups have until 4:30 p.m. on November 25, 2015, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Comment must be in writing and received by the agency contact person by the due date. The Department encourages comments particularly to specific questions about implementing new statutory requirements to stratify five measures by race, ethnicity, preferred language, and country of origin. More information about these questions is at: www.health.state.mn.us/healthreform/measurement/ProposedRule2015. Comments should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, commenters are encouraged to propose any change desired. Interested persons or groups must also make any comments about the legality of the proposed rules during this comment period.

Modifications. The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency 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. The Department will publish any changes in the *State Register*.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Interested persons or groups may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Rules. The agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. Interested persons or groups may ask to be notified of the date the Department submits the rules to the office. If interested persons or groups want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit a request to the agency contact person listed above.

Dated:

Edward P. Ehlinger, MD, MSPH, Commissioner
Minnesota Department of Health

Expedited Rules

4654.0800 INCORPORATION BY REFERENCE.

“Minnesota Statewide Quality Reporting and Measurement System: Appendices to Minnesota Administrative Rules, Chapter 4654,” issued by the Minnesota Department of Health, ~~December 2014~~ October 2015, is incorporated by reference. It is available through the Minitex interlibrary loan system and the Minnesota Department of Health Web site at:

<http://www.health.state.mn.us/healthreform/measurement/index.html>

They are not subject to frequent change.

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.

Minnesota Department of Agriculture (MDA) Pesticide and Fertilizer Management Division REQUEST FOR COMMENTS on Proposed Rule Governing Nitrogen Fertilizer, *Minnesota Rules, 1573; Revisor’s ID Number R-04337*

The Minnesota Department of Agriculture (MDA) is requesting comments on a proposed new rule to protect groundwater called the Nitrogen Fertilizer Rule. The rule will address agronomic crops that require significant amounts of nitrogen fertilizer. These crops include corn, small grains, edible beans, sugarbeets and irrigated potatoes in the rotation.

The purpose of this request for comments is to solicit stakeholder feedback on the regulation of nitrogen fertilizer application. The proposed Nitrogen Fertilizer Rule will require the regulatory provisions discussed in the state’s blueprint for preventing or minimizing the impact of nitrogen fertilizer on groundwater, called the Nitrogen Fertilizer Management Plan (NFMP). A copy of the plan is available at <http://www.mda.state.mn.us/nfmp>. The 2015 NFMP was developed over the course of a three year period with the input of an advisory committee and a public comment period. Comments received during the public comment period were addressed before releasing the final version of the NFMP in a document titled “Response to Comments on the draft Nitrogen Fertilizer Management Plan”. This document is available at:

<http://www.mda.state.mn.us/en/chemicals/fertilizers/nutrient-mgmt/nitrogenplan/~media/Files/chemicals/nfmp/commentsresponse.pdf> .

The rule will consist of two parts. The first part of the rule will apply to areas of the state overlying vulnerable groundwater. In these vulnerable groundwater areas, nitrogen fertilizer applications either in the fall or to frozen soils will have restrictions. The second part of

Official Notices

the rule will apply to areas where measured nitrate levels in groundwater are elevated and it has been determined that the nitrogen fertilizer Best Management Practices (BMPs) are not being adopted. Restrictions will vary for different regions and soil types and will be based on the nitrogen BMPs developed by the University of Minnesota and adopted by the MDA.

Persons Affected. The proposed rule will likely affect local government, landowners, farmers, agricultural retailers and applicators as well as others in the agricultural industry.

Statutory Authority. *Minnesota Statutes*, section 103H.275, subdivision 1 (b) authorizes the MDA to adopt rules for nitrogen fertilizer that are “consistent with maintaining groundwater in its natural condition, free from any degradation caused by human activities and are commensurate with the groundwater pollution if the implementation of best management practices has been proven to be ineffective.” *Minnesota Statutes*, section 103H.275, subd. 2. states, “The water resource protection requirements must be based on the use and effectiveness of best management practices, the product use and practices contributing to the pollution detected, economic factors, availability, technical feasibility, implementability, and effectiveness.”

Minnesota Statutes, 18C and 18D, give enforcement authority to the Department of Agriculture as well as the authority to issue administrative, civil and criminal penalties.

Public Comment Instructions

Deadline: January 29, 2016

Response format: Submit your written response electronically to Larry Gunderson at larry.gunderson@state.mn.us, by mail to 625 Robert Street North, St. Paul, MN 55155, or by fax to (651) 201-6112.

Questions: All questions and inquiries regarding this request for comment should be directed to Larry Gunderson at larry.gunderson@state.mn.us or (651) 201-6168.

The MDA is soliciting stakeholder input on the topics listed below. The items listed here are not final, but rather topics the agency is gathering public input on before drafting the rule:

- 1) The MDA is considering using a definition of fall as after August 31st. This is based on the climatological start of fall (<http://www.ncdc.noaa.gov/news/meteorological-versus-astronomical-summer%E2%80%94what%E2%80%99s-difference>).

Nitrogen fertilizer applications in vulnerable groundwater areas after August 31st would be subject to some level of restriction.

- 2) As stated above and in the NFMP, the proposed rule would 1) restrict application in fall and frozen soils in vulnerable groundwater areas and 2) require the adoption of nitrogen fertilizer BMPs in areas that have elevated nitrate in their groundwater and BMPs are not being adopted voluntarily. The MDA is seeking comments on whether the cost of complying with the proposed rule in the first year after the rule takes effect will exceed \$25,000 for any small business or small city (a small business is a business (either for profit or nonprofit) with fewer than 50 full-time employees and a small city is a city with fewer than ten full-time employees.).

- 3) The MDA is considering using the following criteria for determining vulnerable groundwater areas and is seeking comments on the proposed criteria for vulnerable areas. An area will be considered a vulnerable area if it meets any one of the following criteria:

- a. Areas with coarse textured soils. The MDA proposes that coarse textured soils would be defined based on USDA NRCS classifications as dominated by sand, sandy loam, and loamy sand.
- b. Geology defined as karst or fractured bedrock. The MDA proposes that karst or fractured bedrock would be defined as “a type of geology that is formed from the dissolution of limestone, dolomite, or gypsum and that is characterized by closed depressions or sinkholes, and underground drainage through conduits enlarged by dissolution.” (*Minnesota Rules* 7035.0300, subp. 51.)
- c. The township or Drinking Water Supply Management Areas (DWSMAs) meets the groundwater nitrate concentration criteria of mitigation level 1 or higher as indicated in the NFMP on pages 69 and 70 and in Chapter 10.
- d. The MDA is also considering using the Minnesota Department of Natural Resource’s Procedure for Determining Near-

Official Notices

Surface Pollution Sensitivity as an additional criterion. More information about this procedure can be found at http://files.dnr.state.mn.us/waters/groundwater_section/mapping/sensitivity/docs/nearsurfacepollutionsensitivity.pdf.

The geologic information required to make this determination is not always available but it would be used in areas where it is available.

4) Vulnerable groundwater areas will need recognizable boundaries. The MDA is proposing to use townships and DWSMAs as these boundaries. Township boundaries would be used for mitigating private wells. DWSMA boundaries would be used for mitigating public wells. Any township with more than 50% of its land meeting the definition of vulnerable groundwater areas would have a restriction on nitrogen fertilizer application in the fall or to frozen soils.

5) The MDA is considering exceptions to the first part of the rule restricting fall application or application to frozen ground for specific crops and/or agricultural practices. Exceptions being considered are:

- a. Nitrogen fertilizer needed to establish cover crops. The amount of nitrogen applied depends on the type of crop. Nitrogen rates would be crop dependent and recommendations should use the University of Minnesota or other appropriate recommendations from land grant universities contiguous with Minnesota borders.
- b. Nitrogen fertilizer needed to establish small grains in the fall in accordance with University of Minnesota or other appropriate recommendations from land grant universities contiguous with Minnesota borders.
- c. Nitrogen fertilizer needed to establish perennials in the fall. Nitrogen rates would be crop dependent and recommendations should use the University of Minnesota or other appropriate recommendations from land grant universities contiguous with Minnesota borders.
- d. Nitrogen needed for fall pasture fertilization. Nitrogen rates would be crop dependent and recommendations should use the University of Minnesota or other appropriate recommendations from land grant universities contiguous with Minnesota borders.
- e. Application of Monoammonium Phosphate (MAP) and Diammonium Phosphate (DAP) when following University of Minnesota phosphorus recommendations. The total nitrogen rate should include any crediting for nitrogen from phosphorous fertilizers.
- f. Land application of agricultural chemical contaminated soil and other media as defined in and in accordance with *Minnesota Statute* 18D.1052 is allowed as approved by the MDA.

6) According to the *Minnesota Statute* 103H.275, the Commissioner of Agriculture would issue a Commissioner's Order detailing the townships or Drinking Water Supply Management Areas affected by the rule and the practices required to minimize nitrogen leaching. The Commissioner is required to provide notice to the public before the Commissioner's Order goes into effect. What reasonable methods of notification should be used to notify the affected townships and Drinking Water Supply Management Areas of the Commissioner's Order?

7) The Commissioner's Order will contain a list of activities required for mitigation that will be specific to each township or wellhead protection area. The mitigation activities would be selected from a menu of options contained in the rule. These activities would be based on region specific BMPs as well as other recommended practices such as record keeping or farmer education. A proposed list of these activities can be found on pages 81 and 82 of the NFMP.

(<http://www.mda.state.mn.us/chemicals/fertilizers/nutrient-mgmt/~//media/Files/chemicals/nfmp/nfmp2015.pdf>).

8) Emergency nitrogen fertilizer treatment approved by the MDA in response to extreme weather events or other causes of crop damage, loss or failure.

The comments provided through this process are for planning purposes only. All comments will be available for public review on the Nitrogen Fertilizer Rule website (<http://www.mda.state.mn.us/en/chemicals/fertilizers/nutrient-mgmt/nitrogenplan/mitigation/wrpr.aspx>)

Rule Updates. Updates on the rule can be found on the Nitrogen Fertilizer Rule website,

<http://www.mda.state.mn.us/en/chemicals/fertilizers/nutrient-mgmt/nitrogenplan/mitigation/wrpr.aspx>.

Official Notices

To receive email updates on the rule, sign up for the Nitrogen Management List here,

<http://webmail.mnet.state.mn.us/mailman/listinfo/nitrogen-management>.

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

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

Dated: 14 October 2015

Jim Boerboom, Deputy Commissioner
Minnesota Department of Agriculture

Minnesota Department of Labor and Industry (DLI) Labor Standards Unit Notice of Correction to Highway Heavy Prevailing Wage Rates for Some Electricians and Millwrights

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 10/12/2015 for:

Labor Code 707, (Electricians) in Regions 4 & 8

Labor Code 714, (Millwright) in Regions 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10

Notice of Correction to Commercial Prevailing Wage Rates for Electricians

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/8/2014 for:

Labor Code 707, (Electricians) in Pope County

Copies with the corrected certified wage rates for these Counties and Regions may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road N., St. Paul, MN 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.dli.mn.gov.

Ken B. Peterson, Commissioner
Department of Labor and Industry

Minnesota Pollution Control Agency (MPCA) Request for Comments on Planned Amendments to Water Quality Sulfate Standard to Protect Wild Rice and Identification of Wild Rice Waters. Minnesota Rules Chapters 7001, 7050, 7052, and 7053

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) requests comments on planned changes to rules governing water quality standards, *Minnesota Rules* chapter 7050 (Waters of the State). The MPCA is considering amendments to the water quality standards to:

- 1) revise and update the sulfate standard for the protection of wild rice
- 2) specifically identify wild rice waters where the sulfate standard applies
- 3) replace the existing wild rice sulfate standard for Class 4 waters with a new wild rice water use classification that includes the above changes

Official Notices

- 4) make conforming changes to *Minnesota Rules* chapters 7001 (Permits and Certifications), 7052 (Lake Superior Basin), and 7053 (State Waters Discharge Restrictions)

Comments should be submitted according to the **Public Comment** section below.

Subject of Rules: The MPCA is considering significant changes to the existing rules that apply to surface waters of the state identified as wild rice waters. Minnesota's surface waters are currently classified according to a number of possible beneficial uses (e.g., Class 1-drinking water or Class 2-aquatic life) and physical and chemical criteria apply according to those uses. The rules currently:

- contain a sulfate standard for Class 4 waters (agriculture and wildlife) that applies to water used for production of wild rice
- specifically identify certain surface waters as "wild rice waters"

The changes the MPCA is considering are discussed in the **Draft Proposal** section below and are based on information obtained or developed through legislatively mandated research and consultation with entities associated with wild rice issues. With this notice the MPCA is seeking comment about and information relevant to the draft proposal from a wider community of interested parties. Additional details about the MPCA's draft proposal can be viewed at <http://www.pca.state.mn.us/r6wxpf9> (Draft proposal for protecting wild rice from excess sulfate).

The MPCA is seeking specific comments on:

- 1) the draft proposal and the technical basis and methodology used to develop an equation to calculate water body-specific sulfate standards
- 2) other ways to address the negative effects of elevated sulfate concentrations on wild rice
- 3) the draft list of surface waters to be identified as wild rice waters where a sulfate standard will be applied
- 4) additional information and data relevant to the changes being considered

The state rulemaking process requires agencies to consider several specific topics as rules are developed. In addition to seeking general or technical comments on the draft proposal and supportive information, the MPCA is specifically asking for comment on the expected economic effect and cumulative effect¹ of the changes being considered (*Minnesota Statutes* §14.131), and on whether a local government may be required to adopt or amend an ordinance or other regulation in response to the changes (*Minnesota Statutes* § 14.128).

The MPCA may also change *Minnesota Rules* chapters 7001, 7052 or 7053 as needed for internal consistency with the changes that will be proposed to *Minnesota Rules* chapter 7050 or to make minor conforming changes or corrections determined to be needed in the course of the rulemaking process.

Draft Proposal. The MPCA is considering changing the existing rules to establish a new wild rice beneficial use classification and supporting sulfate standard. The changes being considered will:

- 1) include an equation developed to calculate a water body-specific sulfate standard necessary to protect the wild rice resource based on the site-specific data
- 2) establish criteria that will be used to determine which surface waters of the state will be designated as wild rice waters
- 3) provide a list of wild rice waters where a sulfate standard is to be applied

The first element of the new wild rice use class is the sulfate standard to protect wild rice. *Minnesota Rules* pt. 7050.0224 currently establishes a sulfate standard of 10 mg/L "applicable to water used for production of wild rice during periods when the rice may be susceptible to damage by high sulfate levels." The MPCA has determined that sulfate is not directly toxic to wild rice, but sulfate in surface water can be converted into potentially toxic levels of sulfide in the sediment in which wild rice is rooted. The MPCA proposes to establish water body-specific sulfate standards using an equation that incorporates factors that affect the conversion of surface water sulfate into sulfide in sediment. This equation calculates a protective sulfate concentration in the water based on concentrations of sulfide in the sediment, sediment iron, and sediment organic carbon. More detailed information about this equation and the supporting documentation, including the research and data used to develop the equation, can be found at:

(Footnotes)

¹ Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

<http://www.pca.state.mn.us/index.php/view-document.html?gid=22595>

(March 2015 proposed approach for Minnesota's sulfate standard to protect wild rice).

The second element of the new wild rice use class will be the criteria used to determine how waters will be identified as "wild rice waters" (formerly referred to as "water used for production of wild rice"). The draft proposal establishes a minimum threshold based on the number of wild rice stems on a given water body in order for it to be considered a wild rice water where the equation-based sulfate standard will apply. The MPCA is considering a minimum wild rice stem count threshold for lakes and wetlands of 8,000 stems per water body, and 800 stems per river mile for streams and rivers.

The third element of the new wild rice use class will be the list of the waters proposed for identification as "wild rice waters" where the **equation-based** sulfate standard will apply. Currently, *Minnesota Rules* pt. 7050.0470, subp. 1 lists a limited number of wild rice waters within the Lake Superior drainage basin. The draft proposal significantly expands the number of wild rice waters on a statewide basis. As of March 2015, the MPCA has compiled a draft list of approximately 1,300 lakes, wetlands, streams, and rivers that appear to meet the minimum stem count thresholds being considered. The Minnesota Department of Natural Resources' February 15, 2008 report to the Minnesota Legislature titled *Natural Wild Rice in Minnesota* was a primary source of information from which the draft list of MPCA wild rice waters was compiled. The MPCA has compiled a second list of water bodies where additional information is needed in order to determine whether wild rice is present at or above the minimum stem count thresholds. Both lists of waters, and the references to the information sources used to compile these lists, are provided at <http://www.pca.state.mn.us/r6wxpf9> (Draft proposal for protecting wild rice from excess sulfate). The MPCA is seeking comment on and wild rice information related to the waters identified on both these lists, particularly regarding wild rice populations in these waters since November 28, 1975, the date the U.S. Environmental Protection Agency promulgated the first Federal water quality standards relating to existing uses.

Plain English Summary: This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. The MPCA has developed a draft proposal as a result of several years of information gathering, research, and consideration of input about sulfate's effect on wild rice. This is an opportunity to provide comments on a draft proposal and also an opportunity to provide information or comment on any relevant issues that you feel have not been addressed in the draft proposal. We want your comments on the **Subject of Rules** and the **Draft Proposal** sections above and also the additional information provided on the rulemaking webpage at:

<http://www.pca.state.mn.us/r6wxpf9>

(Draft proposal for protecting wild rice from excess sulfate). If you have relevant ideas or information related to this topic that we need to consider, please provide them. Submitting your ideas and information at this stage in the rule development process allows the MPCA to consider your ideas, information and issues you may raise before the MPCA proposes rule language and holds hearings.

Where to Get More Information: In addition to the webpage that provides information about the draft proposal

<http://www.pca.state.mn.us/r6wxpf9>

(Draft proposal for protecting wild rice from excess sulfate), a webpage with more general information has been established for this rulemaking at <http://www.pca.state.mn.us/ktqh1083> (Minnesota's sulfate standard to protect wild rice). Rulemaking information will be posted in the **Rulemaking documents** tab. Draft rule language is not available at this time.

If you are interested in being notified of activities related to this rulemaking, including when rules are proposed and the dates of hearings, please register at: https://public.govdelivery.com/accounts/MNPCA/subscriber/new?topic_id=MNPCA_56 (MPCA GovDelivery-Rulemaking: Sulfate Standard for Wild Rice).

Persons Affected: This rulemaking potentially affects a wide range of persons and entities. Wild rice, and maintaining the level of water quality that supports wild rice, is important to many persons. Wild rice is economically important to persons who either harvest it directly or who benefit by the maintenance of ecosystems that contain wild rice when they pursue activities such as fishing, tourism, or hunting. Wild rice is important to all persons with an interest in the quality of Minnesota's waters and the wildlife they support, and is particularly important to Native Americans from a spiritual and cultural perspective. Persons associated with businesses and municipalities that discharge wastewater may be affected by the standard for sulfate and the waters designated as wild rice waters to the extent the changes being considered may affect the operation of those facilities.

The draft proposal designating specific wild rice waters may affect persons differently depending on whether they: are a discharger to, or upstream of, a wild rice water; are a property owner on or near a wild rice water; or have a specific interest in the quality of water and

Official Notices

wild rice in a particular water body. Additionally, persons may also be affected if their interest is in waters that are not included in the draft proposed list of wild rice waters or if they believe the draft criteria that identify wild rice waters are not valid.

The MPCA is also interested in hearing from persons on whether the repeal of the current sulfate standard for Class 4 agricultural use will affect persons who grow wild rice commercially.

Statutory Authority: *Minnesota Statute* § 115.03, subd. 1 grants the MPCA general authority to promulgate and/or revise the rules relating to the pollution of any of the waters of the state; and *Minnesota Statute* § 115.44 grants the MPCA authority to group designated waters of the state into classes.

Public Comment: Interested persons or groups may submit written comments or information on these planned rule amendments until 4:30 p.m. on December 18, 2015. Comments or information should be submitted to Carol Nankivel at the address below.

The comments received during this comment period will be considered by the MPCA in the development of proposed rules but will not be part of the MPCA's rulemaking record submitted to the administrative law judge at the time of hearing. If you want the administrative law judge to review your comments, you must resubmit them when the MPCA publishes proposed rules for comment.

NOTE: The MPCA will, to the extent possible, either post the comments received in response to this notice on its rulemaking webpage, <http://www.pca.state.mn.us/ktqh1083> (Minnesota's sulfate standard to protect wild rice) or provide notice on the webpage of how comments will be available for public viewing.

MPCA Contact Person: Written comments and requests for more information on these planned rule amendments should be directed to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul MN 55155-4194
Telephone: (651) 757-2597
Toll-free: 1-800-657-3864
E-mail: minnrule7050.pca@state.mn.us

Alternative Format: This information is available in an alternative format, such as large print, Braille, or audio through the contact person identified above.

Dated: 12 October 2015

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

Minnesota Department of Revenue (MDOR) Official Notice: Cigarette Sales Tax – Rate Change; Cigarette Excise Tax – Rate Change

Pursuant to *Minnesota Statutes*, section 297F.25, the Commissioner of Revenue has determined that the new cigarette sales tax rate will be 54.3 cents per pack of 20 cigarettes. For packs of cigarettes with other than 20 cigarettes, the tax must be adjusted proportionally. This rate is effective for sales on or after January 1, 2016.

Pursuant to *Minnesota Statutes*, section 297F.05, subdivision 1a, the Commissioner of Revenue has determined that the new cigarette excise tax rate will be 150 mills on each cigarette. This rate is effective for sales on or after January 1, 2016.

Publication Date: October 26, 2015

Teachers Retirement Association (TRA) Notice of Meeting of the TRA Audit Committee 17 November 2015

The Minnesota Teachers Retirement Association Audit Committee will hold a meeting on Tuesday, November 17, 2015 at 9 a.m. in Room 414, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the committee. Committee members may participate by telephone.

Teachers Retirement Association (TRA) Notice of Meeting of the Board of Trustees 18 November 2015

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, November 18, 2015 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

Minnesota Department of Transportation (Mn/DOT) Notice to Bidders: Suspensions/Debarments as of January 12, 2015

NOTICE OF DEBARMENT

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

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective January 12, 2015 until January 12, 2018:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, 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 Judicial Branch

Legal Services Advisory Committee (LSAC)

Notice of Request for Proposals to Provide Community Redevelopment, or Foreclosure Prevention, Legal Assistance

The Minnesota Judicial Branch Legal Services Advisory Committee (LSAC) is seeking proposals to provide community redevelopment legal assistance or foreclosure prevention legal assistance. The amount of funds available is \$245,000 for project(s) that start after May 1, 2016 and end by June 30, 2018. This is one-time funding.

The deadline for Letter of Intent (LOI) submission is November 20, 2015 at 5:00 PM. The Minnesota Judicial Branch reserves the right to cancel this solicitation.

To receive a copy of the LOI memo that describes in detail how to apply for this funding, please go to the website at: www.mncourts.gov/lsac or contact:

Bridget Gernander
Legal Services Grant Manager
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155
E-mail: bridget.gernander@courts.state.mn.us

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.

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

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

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

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

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

Minnesota State Colleges and Universities (MnSCU)

Bemidji State University

Notice of Request for Proposals for Bookstore Management

NOTICE IS HEREBY GIVEN that Bemidji State University will receive sealed proposals for Bookstore Management. Specifications will be available October 26, 2015, at the following website:

http://www.bemidjistate.edu/offices/procurement_logistics/rfps_bids/

Instructions for delivering proposals, as well as all other requirements and contact information, will be contained in the RFP to be posted at the above website.

Sealed proposals must be received by Rebecca Wilkinson, Procurement and Contracts Officer, Bemidji State University, Deputy 204, Box 8, 1500 Birchmont Drive NE, Bemidji, MN 56601, by 2:00 PM Central Time, Wednesday, November 25, 2015. Late proposals will not be considered.

Bemidji State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. This Request for Proposal does not obligate the University to complete a proposed contract, and the University reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU)

Campus Service Cooperative

Notice of Request for Proposals for Digital Signature Services

NOTICE IS HEREBY GIVEN that the State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of the various member institutions, is soliciting proposals from qualified vendors for assistance in implementing an enterprise-wide electronic signature system.

The full Request for Proposal (RFP) will be available Monday October 26, 2015 at the following website:

<http://www.csc.mnscu.edu/sourcing/RFP.html>.

All requirements and information, as well as proposal delivery instructions will be contained in the RFP.

Deadline for proposal response is 3:00pm Central Time Friday December 4, 2015. Submit proposals to:

Michael Noble-Olson, Chief Procurement Officer

State Contracts

MnSCU Campus Service Cooperative
Educational Services Building
7411 - 85th Avenue North
Brooklyn Park, MN 55445

Minnesota State Colleges and Universities reserves the right to reject any or all proposals, to waive any irregularities or informalities in proposals received, and to cancel the solicitation if it is considered to be in its own best interest. This Request for Proposal does not obligate the Minnesota State Colleges and Universities to award a contract.

Minnesota Sports Facilities Authority (MSFA) ADVERTISEMENT FOR PROPOSALS for Carrier Neutral Fiber Network

- 1. Proposals** – Submit proposals for Minnesota Sports Facilities Authority – Carrier Neutral Fiber Network – US Bank Stadium Technology; Minneapolis, Minnesota, to Steve Maki, MSFA, at the MSFA office on or before 4:00 p.m., December 2, 2015.
- 2. Work Includes** – Fiber and Network services for U.S. Bank Stadium.
- 3. Obtaining & Examining Documents** – Documents will be available for review, at the office of the MSFA, 511 - 11th Ave. South, Suite 401, Minneapolis, MN and on the website, MSFA.com after October 16, 2015.
- 4. Affirmative Action** – All proposers, applicants, prime contractors and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women and disabled person.

The Minnesota Sports Facilities Authority reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ms Michele Kelm-Helgen, Chair
Minnesota Sports Facilities Authority

Minnesota Sports Facilities Authority (MSFA) ADVERTISEMENT FOR PROPOSALS for Crowd Control Equipment

- 1. Proposals** – Submit proposals for Minnesota Sports Facilities Authority – Crowd Control Equipment, to Patrick Talty, General Manager SMG, at the MSFA office on or before 2:00 p.m., November 18, 2015.
- 2. Work Includes** – purchase of Crows Control Equipment for example Bike Rack and Stanchions for U.S. Bank Stadium.
- 3. Obtaining & Examining Documents** – Documents will be available for review, at the office of the MSFA, 511 - 11th Ave. South, Suite 401, Minneapolis, MN and on the website, MSFA.com after October 17, 2015.
- 4. Affirmative Action** – All proposers, applicants, prime contractors and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women and disabled person.

The Minnesota Sports Facilities Authority reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ms Michele Kelm-Helgen, Chair
Minnesota Sports Facilities Authority

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

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.

State Contracts

Minnesota Zoo

Notice of Request for Proposals for Minnesota Zoo Creative Services for Marketing Programs

The Minnesota Zoological Garden (Minnesota Zoo) is requesting proposals from creative agencies for advertising and creative services.

The contracted creative agency will demonstrate a high degree of expertise in advertising, marketing and communications. Duties include:

- **Creative services:** Provide creative services for the development of television, radio, digital, social media, direct mail, out of home and print campaigns. This includes all art direction, copywriting and scripting.
- **Production services:** Prepare and purchase all materials and services necessary to complete advertising assignments for distribution.
- **Proof of service:** Check and verify all advertisements for appearance, data, position, size and mechanical reproduction, time, accuracy and other related factors.
- **Evaluation:** Evaluate advertising placements and all other promotional activities using appropriate measurement tools.

Other Marketing Needs: Prepare and purchase occasional marketing services including printed collateral materials, audio-visual presentations, sales promotion, research, interactive and social media consulting, marketing partnerships, etc.

NOTE: Media planning and buying is not part of this RFP.

Details are included in the complete Request for Proposals which is available by e-mailing Lani Willis, Minnesota Zoo Marketing and Communications Director at lani.willis@state.mn.us. The deadline for submitting a proposal is 4:00 PM., CST, November 9, 2015.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of the responder.

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.) ***FREE PARKING***

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

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- ♦ **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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| \$25.01-\$50.00 | \$ 9.00 |
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