

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 and Grants**

**Monday 6 March 2017
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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- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- 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. 41 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)
# 37	Monday 13 March	Noon Tuesday 7 March	Noon Thursday 2 March
# 38	Monday 20 March	Noon Tuesday 14 March	Noon Thursday 9 March
# 39	Monday 27 March	Noon Tuesday 21 March	Noon Thursday 16 March
# 40	Monday 3 April	Noon Tuesday 28 March	Noon Thursday 23 March

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	Attorney General: Lori Swanson (651) 296-6196	Secretary of State: Steve Simon (651) 296-2803	sean.plemmons@state.mn.us

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<http://www.senate.mn>

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Federal Register

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U.S. Government Printing Office – Fax: (202) 512-1262
http://www.access.gpo.gov/su_docs/aces/aces140.html

Minnesota Rules: Amendments and Additions ...1036

Proposed Rules

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing: Nonmedication; Pari-Mutuel Pools; Class C Licenses; Stewards; Races; Harness Races; Notice of Intent to Adopt Rules Without a Public Hearing 1037

Commissioner's Orders

Department of Natural Resources (DNR)

Commissioner's Order 17-01: Wildlife Lake Designation of Mahlke Marsh, Lyon County..... 1057

Official Notices

Department of Employment and Economic Development (DEED)

Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under Minnesota Statutes 116J.8748 1057

Minnesota Housing Finance Agency

Notice to the Affordable Housing Appraisal Community..... 1058

Department of Human Services

Notice of Correction: Request for Comments Possible Amendment to Rules Governing Retroactive Billing, *Minnesota Rules*, Part 9505.0450, Subpart 3; Revisor's ID Number 4415..... 1059

State Board of Investment

Notice to Institutional Investment Management Firms for Consideration to Potentially Manage a Portion of the Pension Assets and Other Accounts 1061

Department of Labor and Industry

Notice of Correction to Commercial and Highway Heavy Prevailing Wage Rates 1061

Department of Natural Resources

Notice of Hearing on Vacating a Wildlife Management Area 1062

State Grants & Loans

Department of Health

Request for Proposals for Clinical Dental Education Innovations Grants..... 1063
Request for Proposals for Hospital Safety Net Grant Program 1063

Minnesota Department of Human Services

Notice of Application for Mental Health Court Funding..... 1064
Notice of Request for Proposals to Provide Services Through the Office of Economic Opportunity's Homeless Assistance Grants 1064
Notice of Request for Proposals to Connect Individuals Releasing from a County or State Correctional Facility to Recovery Support Services and or SUD Treatment 1065

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Bemidji State University

Notice of Request for Qualification for Public Art for Memorial Hall – College of Business 1066

Minnesota State University, Mankato

Notice of Availability of Request for Proposals (RFP) for a Roofing Design Team for the Minnesota State University, Mankato 2017 Memorial Library Addition Area A Roof Replacement Project 1066

Minnesota West Community and Technical College

Accepting Sealed Bids for High Frequency Radiographic Equipment 1067

Pine Technical & Community College

Formal Request for Proposal for Design and Fabrication of Mobile Welding Classroom/Laboratory..... 1067

St. Cloud Technical & Community College

Formal Request for Proposal for Carpentry House Built on Blocks 1068

St. Cloud Technical & Community College

Formal Request for Proposal for Curriculum Development and Instruction: CNC Precision Machining, Machine Programming and Operation 1069

Winona State University

Request for Proposals for Student Recruitment, Engagement and Communication Campaigns..... 1069

Minnesota State Lottery

Request for Proposals for Sponsorship Agreements 1070

Department of Management and Budget

Notice of Request for Proposals for Major Revenue/Deposit Banking Services and Merchant Card Services and Pre-Paid Debit Card Programs as administered by the Department of MMB; the Unemployment Insurance Banking Services as administered by the Department of Employment and Economic Development and Custodial Services for investment purposes as administered by the State Board of Investment..... 1071

Public Employees Retirement Association (PERA)

Request for Proposals for Actuarial Services 1071

Minnesota Department of Transportation (Mn/DOT)

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")..... 1072
Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices..... 1072

Non-State Public Bids, Contracts & Grants

Dakota County

Notice of Request for Proposal (RFP) For Guardianship and Conservatorship Services 1073

Hennepin County

Advertisement for A/E Services 1074

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2017 Landside Pavement Rehabilitation..... 1074
Notice of Call for Bids for 2017 Pavement Joint Sealing..... 1075

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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 41 - Minnesota Rules

(Rules Appearing in Vol. 41 Issues #1-26 are
in Vol 41, #26 - Tuesday 27 December 2016)

Volume 41, #36

Tuesday 3 January - Monday 6 March

Department of Agriculture

1505.2300 (adopted exempt) 1018

Board of Dentistry

3100.3600; .5100; .6300 (proposed) 947

Board of Electricity

1315.0200 (proposed) 925

Department of Health

4605.7000; .7030; .7040; .7060; .7075; .7090; .7400; .7700;
.7900 (adopted) 829

Office of Higher Education

4830.9100; .9110; .9120; .9130 (adopted) 995

Department of Human Services

9502.2240 (adopted exempt) 884

Department of Natural Resources

6230.0200; 6236.0300; .0600; .0810; .1000 (expedited emergency) 857
6264.0050 (adopted expedited) 995
6264.0300; .0400 (adopted exempt) 1019

Racing Commission

7869.0100; .0200; 7871.0010; 7879.0200; 7883.0100; .0140;
7884.0230; .0260; 7890.0110; 7897.0120; .0130; .0150 (proposed) 875

7869; 7870; 7871; 7873; 7874; 7875; 7876; 7877; 7878; 7883; 7884;
7890; 7892; 7895; 7899 (proposed) 1037

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 §§ 14.1414.20, 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 Racing Commission

Proposed Permanent Rules Relating to Horse Racing; Nonmedication; Pari-Mutuel Pools; Class C Licenses; Stewards; Races; Harness Races; Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Revisor's ID Number RD4443

Possible Amendment to Rules Governing Horse Racing, Minnesota Rules, Parts 7869 Definitions; 7870 Licensure; 7871 Televised Racing Days; 7873 Pari-Mutuel Rules; 7874 Reporting Payments; 7875 Facilities and Equipment; 7876 Stabling; 7877 Class C Licenses; 7878 Security Officers; 7883 TB/QH Horse Races; 7884 Harness Races; 7890 Stewards; 7892 Medical Testing; 7895 Breeders' Fund; and 7899 Variances

The Minnesota Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until 4:30 p.m. April 5, 2017.

Proposed Rules

Agency Contact Person.

Patricia M. Sifferle
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025

Phone 651-925-3956
FAX 952-496-7954
E-mail patricia.m.sifferle@state.mn.us

TTY users may call the Racing Commission at 800-627-3529.

You may also review the rules and the Statement of Need and Reasonableness, and submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

Subject of Rules. The proposed rule amendments seek to update, simplify and clarify existing rules, as well as to make rules more consistent with those in other states and national model rules. Several obsolete rules are being repealed. A new rule is being added to allow for a “grand slam” horizontal wager. An exempt rule adopted in 2016 relating to outbreaks of infectious diseases is being made permanent.

The proposed rules contain edits or additions to the following specific parts or subparts of Minnesota Rules:

Part 7869.0100, Subparts 26, 41a, and 63; part 7870.0150; part 7871.0020; part 7871.0070; part 7871.0080; part 7871.0090; part 7871.0120; part 7871.0130; part 7871.0140; part 7871.0150, subpart 2a; 7873.0110, subparts 1-4; 7873.0185, subpart 8; part 7873.0187; part 7873.0188, subpart 8; part 7873.0230; part 7874.0100, subparts 1-2; part 7875.0200, subparts 1 and 4; part 7876.0130; part 7877.0110, subpart 4; part 7877.0170, subparts 1-3 and 11; part 7877.0175, subparts 4-5 and 8; part 7878.0140, subparts 1-2; part 7883.0100, subpart 16; part 7883.0140, subparts 8, 12 and 32; part 7883.0160, subparts 6, 6a and 14; part 7884.0230, subparts 3 and 3a; part 7884.0270; part 7890.0100, subparts 3b, 13 and 13b; part 7890.0110, subpart 3; part 7890.0130 subpart 1; part 7892.0120, subpart 1; part 7895.0275, subpart 2; part 7897.0100, subpart 20; and part 7899.

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 240.03, 240.23 and 240.24. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until **4:30 p.m. on April 5, 2017** to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comments must be in writing and the agency contact person must receive them by the due date. You may also submit comments, and review all comments at the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>. Comments submitted on this site must be submitted by the due date. The Commission encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on April 5, 2017. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and 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 Commission will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, 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. Upon request, this information can be made available in an alternative format, such as large print,

Proposed Rules

braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Commission 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 Commission encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness may be viewed on our web site at www.mrc.state.mn.us and on the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/>.

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

Adoption and Review of Rules. If no hearing is required, the 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. You may ask to be notified of the date the Commission submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: 2/23/2017

Tom DiPasquale
Executive Director
Minnesota Racing Commission

7869.0100 DEFINITIONS.

[For text of subps 1 to 25, see M.R.]

Subp. 26. **Field.** “Field” means, ~~according to its context, either:~~

~~A. the entire group of horses in a race; or~~

~~B. the highest numbered horse within the capacity of the totalizator, and all horses of a higher number grouped together for wagering purposes.~~

[For text of subps 27 to 41, see M.R.]

Subp. 41a. **Official timed workout.** “Official timed workout” means a timed workout required and supervised by a commission veterinarian.

[For text of subps 42 to 62, see M.R.]

Subp. 63. **Supplemental fee.** “Supplemental fee” means a fee set by the association that ~~must~~ may be required to be paid at a prescribed time to make a horse eligible for a stakes race.

[For text of subps 64 to 69, see M.R.]

7871.0070 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. ~~Complaint forms must include the name, address, and telephone number of the complainant, the date and nature of the complaint, and the department or persons with whom the complaint was made. When a patron makes a complaint, the association shall forward a copy of the complaint along with the action or proposed action taken, if any, to the commission staff within 48 hours of the complaint.~~ A current set of all Minnesota commission rules regarding pari-mutuel wagering shall be available for

Proposed Rules

public inspection during racing hours at every such window.

7871.0150 EMERGENCY PROCEDURES WHEN POOLS ARE COMMINGLED AT THE CLASS A FACILITY OR AT AN ALTERNATIVE FACILITY.

[For text of subps 1 to 2, see M.R.]

Subp. 2a. **Wagering interface interruption when Class A facility is host racetrack.** If the host mutuel manager determines that a guest track has not transmitted its pools to the host track in a timely manner or if a manual merge otherwise jeopardizes the integrity of the host track's pools, or delays the host track's program, or a manual merge is attempted and failed, the guest track must be excluded from the wagering pools. In the event of a manual merge:

A. The guest tote system operator must inform the host tote system operator of the total amount in the pool, the total dollars on winning wagers, and the total dollars on the losing wagers in the pool. The guest tote system operator shall send that information via a facsimile machine to the host tote system.

B. The stewards at the host racetrack must be notified when the procedure has been completed in order to declare the race official.

C. The licensee's tote system representative shall prepare a report indicating that the transfer of data could not be completed electronically and that the pools were merged manually. The report shall also include the following:

(1) a copy of the pool print report prior to the failure of the transfer of data;

(2) a copy of the final pool print report;

(3) a brief statement as to where the failure occurred, when the stewards were notified, and for what time period were prices delayed; and

(4) a worksheet from the host track signed by the host tote system representative, the host mutuel manager, and the state representative from the host's state racing commission showing total dollars bet in each pool and the final prices.

[For text of subps 3 to 5, see M.R.]

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

Subpart 1. **Request.** Upon written request of a Class B or D licensee, or on its own motion, the commission may approve pari-mutuel pools, including types of betting, number and placement of multiple pools in racing programs, and other issues related to pari-mutuel pools which that promote the purposes of Minnesota Statutes, chapter 240, and the rules of the commission.

Subp. 2. **Basis for approving pari-mutuel pools.** When considering a request for approval of pari-mutuel pools, the commission must consider the success and integrity of racing; the public health, safety, and welfare; and the public interest, necessity, and convenience; as well as the following factors:

A. the integrity of the licensee;

B. the financial strength of the licensee;

C. the ability of the licensee to operate a racetrack and conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

D. past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;

E. the licensee's market, including area, population, and demographics;

F. the performance of the racetrack with previously approved pari-mutuel pools;

G. the impact approving the pari-mutuel pool will have on the economic viability of the racetrack, including attendance and pari-mutuel handle;

Proposed Rules

H: the quantity and quality of economic activity and employment generated;

I: state tax revenues from racing and related economic activity;

J: the entertainment and recreation opportunities for Minnesota citizens;

K: the variety of racing;

L: the quality of racing;

M: the availability and quality of horses;

N: the development of horse racing;

O: the quality of racetrack facilities;

P: security;

Q: purses;

R: benefits to Minnesota breeders and horse owners;

S: competition among racetracks and with other providers of entertainment and recreation as well as its effects;

T: the social effects;

U: community and government support;

V: sentiment of horsepersons; and

W: any factors related to pari-mutuel pools which the commission deems crucial to its decision-making, as long as the same factors are considered with regard to all racetracks.

Subp. 3. **Live racing days; director of pari-mutuel racing authority.** ~~The~~ Upon request from an association's director of pari-mutuel racing or, the commission's director of pari-mutuels is delegated the authority to approve variation and changes in the pari-mutuel pools previously approved by the commission, placement of pools in the program, and simulcasts requested by the licensee that meet the criteria in subpart 2. The director of pari-mutuel racing or the commission's director of pari-mutuels is delegated the authority to approve changes in the placement of pari-mutuel pools in the program, the addition of approved pari-mutuel pools to the program, and changes in simulcasting requests by the licensee that meet the criteria in subpart 2. Before approving a change in the pick-six a pick (n) pool, the director of pari-mutuel racing or the commission's director of pari-mutuels must consult with the commission's ~~deputy or executive committee director.~~

Subp. 4. **Additional money added.** ~~With the approval of the commission~~ commission's executive director or deputy director, the association may guarantee a minimum payout in any pari-mutuel pool. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket designating the official winners in the pool.

7873.0187 GRAND SLAM.

Subpart 1. **Scope.** The grand slam is a form of pari-mutuel wagering that requires the selection of the official first-, second-, or third-place finisher in each of the first three races in a series of four designated grand slam races in a single day. A completed winning grand slam wager requires the selection of the official first place finisher in the fourth and final event in the same series of races.

Subp. 2. **Price of tickets.** Grand slam tickets must be sold singly in not less than 50-cent denominations.

Proposed Rules

Subp. 3. **Ticket is evidence of binding contract.** A grand slam ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the grand slam wager provisions and rules.

Subp. 4. **Scratches.** If a designated grand slam selection is scratched or declared a nonstarter, the actual favorite as evidenced by the amounts wagered in the win pool at the time wagering closes will be substituted for the nonstarting selection.

Subp. 5. **Calculation of pool.** The net grand slam pool shall be distributed from a single betting pool to participants who selected the first-, second-, or third-place finisher in the first three races of a series of four grand slam races completing a winning wager with the selection of the first place finisher in the fourth and final grand slam event in the same series, based upon the official order of finish. If there are no winning wagers taking into account all four segments of the grand slam wager, then the pool shall be distributed as a single betting pool to those who selected the first place finisher in the fourth and final grand slam event in this series of races along with the greatest number of first-, second-, or third-place finishes, each of which had an accompanying show pari-mutuel payout, in each of the first three races in the series of four grand slam designated races.

Subp. 6. **Dead heats for first in any of grand slam races.** If two or more betting interests dead heat for first in any of the selected grand slam races, the grand slam pool shall be distributed from a single betting pool with a winning wager including each betting interest participating in the dead heat provided each entrant has a pari-mutuel show payout within its race.

Subp. 7. **Dead heats for second or third in any of first three races in a series of four designated grand slam contests.** If two or more betting interests dead heat for second or third, then the grand slam pool shall be distributed from a single betting pool with a winning wager, including the betting interest that finished first or any betting interest involved in the dead heat for second or third, providing the horse has a show pari-mutuel payout.

Subp. 8. **Cancellation of grand slam.** If at least two contests included as part of a grand slam wager are canceled, declared "no contest," or scratched down to fewer than five betting interests following the start of the day's racecard, then the grand slam pool shall be canceled and all grand slam wagers for the individual performance shall be refunded.

Subp. 9. **Single race canceled or declared no contest.** If at least one race included as part of a grand slam wager is canceled, declared "no contest," or scratched down to fewer than five betting interests following the start of the day's racecard, then the net pool shall be distributed from a single betting pool to those bettors whose selections finished first, second, or third in the greatest number of grand slam contests in the first three races in a series of four designated grand slam contests. In determining a pari-mutuel distribution under this subpart, a finish of first in the final and fourth designated grand slam contest race for the performance in question shall have the same weight as a finish of first, second, or third in the greatest number of grand slam contests in the first three races in a series of four designated grand slam contests.

7873.0230 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. Complaint forms must include the name, address, and telephone number of the complainant, the date and nature of the complaint, and the department or persons with whom the complaint was made. When a patron makes a complaint, the association shall forward a copy of the complaint along with the action or proposed action taken, if any, to the commission staff within 48 hours of the complaint. A current set of all commission rules regarding the conduct of pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

7874.0100 GENERAL PROVISIONS.

Subpart 1. **Scope.** Subpart 2 applies for the purpose of administering the direct deposit of taxes and, breakage, and breeders' funds, pursuant to Minnesota Statutes, section 240.15, subdivisions 1 and 2 shall apply.

Subp. 2. **Payment of pari-mutuel tax taxes, breakage, and breeders' fund funds.** Taxes, breakage, and breeders' funds collected by an association must be remitted to the commission within no more than seven days of after the day on end of the month in which it was they were collected. The remittance must be accomplished by a direct deposit in a financial institution designated by the commissioner of management and budget and approved by the commission or by daily delivery to the commission office. On those days when the seventh day is a holiday or a weekend day, the payment must be made by the succeeding business day. At No more than seven days after the close of each month in which racing is conducted, the association must report to the commission all deposits of taxes and, breakage, and breeders' funds for that month.

Proposed Rules

[For text of subps 3 to 5, see M.R.]

7875.0200 EQUIPMENT.

Subpart 1. **Equipment.** Each association must include equipment, devices, or apparatus necessary to start, time, film or tape, and photograph the finish of every race. Equipment necessary to view photographs, films, and tapes of each race must be provided. Each association must include pari-mutuel equipment, devices, or apparatus necessary to sell and cash tickets, compile pari-mutuel data, and display odds. An association also must include adequate internal communications equipment. The facilities must be in compliance with the requirements of the ADA insofar as offering special accommodations or alternative equipment to disabled individuals. ~~An association shall provide the commission office with a pari-mutuel console for purposes of displaying and viewing current racing information.~~

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

Subp. 4. **Starting gates.** At least two starting gates must be in service on each race day and shall be tested daily prior to the first race. Class D licensees are required to have one starting gate. ~~Two tractors or teams of draught horses pieces of equipment or vehicles capable of pulling the starting gates shall be positioned to pull any gate from a racecourse. Thoroughbred and quarter horse starting gates must be padded to prevent injury to jockeys, assistant starters, and horses. The arms of a standardbred starting gate shall have a screen or shield in front of each horse, and the arms shall be perpendicular to the rail when extended.~~

[For text of subps 5 to 9, see M.R.]

7876.0130 OUTBREAKS OF INFECTIOUS OR COMMUNICABLE EQUINE DISEASES.

Subpart 1. **Limited application.** ~~This part applies only when the Racing Commission, its executive director, or its deputy director, in consultation with the commission veterinarian, has determined there have been cases in North America of an infectious or communicable equine disease that presents a serious and immediate threat to the health of horses at a licensed racetrack. When this part applies, it supersedes any conflicting provisions elsewhere in rule.~~

Subp. 2. **Notice.** ~~When this part applies, the commission shall post a notice on its Web site and shall also make other reasonable efforts to notify all affected racetracks and horse persons in a timely manner, which shall include sending notice via mail or e-mail when possible. The commission shall also promptly provide notice in the same manner as soon as the commission, its executive director, or its deputy director, in consultation with the commission veterinarian, has determined the threat has subsided and this part no longer applies.~~

Subp. 3. **Certificate of veterinary inspection.** ~~A horse entering the enclosure of the licensed racetrack must be accompanied by an original certificate of veterinary inspection issued within the preceding 72 hours. No horse trailers, vans, or other equine transport vehicles will be allowed to enter the enclosure of a licensed racetrack if the driver does not present the required health certificate for each horse being transported. The certificate must contain the following:~~

A. ~~documentation that an accredited veterinarian, as defined in part 1721.0010, subpart 2, physically examined the horse on the date the health certificate was issued;~~

B. ~~a statement from the examining veterinarian that, at the time of examination, the horse did not exhibit any clinical signs of disease and the horse's temperature was normal;~~

C. ~~a statement from the examining veterinarian that the examining veterinarian verified with the horse's owner or trainer that, to the best of the owner or trainer's knowledge, the horse has not been exposed to any other horse with a contagious or infectious disease in the past 30 days or other time period recommended by the Board of Animal Health;~~

D. ~~complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test; and~~

E. ~~if required by the commission veterinarian, documentation that the horse has been vaccinated by an accredited veterinarian with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1 not less than 14 days and not more than 60 days prior to arrival at the licensed racetrack. The vaccination date, brand name, serial number, and expiration date of vaccine must appear on the certificate.~~

Subp. 4. **Nonadmission of certain horses.** ~~No horse may be admitted to the grounds of a licensed racetrack if it has, within the~~

Proposed Rules

preceding 30 days, been in a county or province, or adjacent county or province, where any racetrack, training facility, or stable is under quarantine due to an infectious or communicable equine disease.

Subp. 5. **Isolation of certain horses.** If a horse arrives at a licensed racetrack within 30 days of the most recently initiated quarantine date applicable to that horse, or if a horse has tested positive for any contagious or infectious disease within the preceding six months, the following requirements shall apply:

A. after arrival at the licensed racetrack, the horse's owner or trainer shall procure and pay for a blood test or nasal swab, or both, as required by the commission veterinarian; and

B. the horse shall be held in an isolation area or removed from the licensed racetrack until the horse's owner or trainer presents documentation indicating that the blood test or nasal swab, or both, as required by the commission veterinarian, shows no presence of infectious or communicable disease.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

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

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

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

T. timer; and

U. track superintendent; and

V. any other official as designated by the commission. The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of ~~said~~ the examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent ~~him or her~~ the applicant from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless the person has satisfactorily passed an optical examination within 90 days prior to approval evidencing 20-20 vision (corrected) and the ability to distinguish colors.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the ~~following~~ responsibilities: in items A to E.

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

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

A. A trainer shall keep in ~~his or her~~ the trainer's charge or under ~~his or her~~ the trainer's supervision at the racetrack horses owned only by owners who are licensed by the commission.

B. A trainer shall ascertain the true identity of all horses in ~~his or her~~ the trainer's charge.

C. A trainer ~~shall be~~ is responsible for horses ~~he or she~~ the trainer enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper

Proposed Rules

shoeing, bandaging, and equipment; and timely arrival in the paddock.

(1) No trainer may start or permit a horse in ~~his or her~~ the trainer's custody, care, or control to be started or to participate in any timed workout, if he or she the trainer knows, or might in the exercise of due care should have known, ~~or has cause to believe,~~ that the horse has received any medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse in contravention of the provisions of chapter 7890.

(2) No trainer may administer a medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13.

(2)(3) The commission shall consider any positive test to be prima facie evidence that the trainer is responsible for such positive test unless ~~he or she the trainer~~ can prove by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication.

(3)(4) A trainer must guard each horse trained by him or her in the trainer's charge in such a manner and for such time prior to racing the horse as to prevent the administration of any medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse in contravention of the provisions of chapter 7890.

D. A trainer must obtain a designated stall assignment from the association before occupying any stall on the racetrack grounds.

E. A trainer must register each horse in ~~his or her~~ the trainer's charge within 24 hours of the horse's arrival on the grounds of an association by completing forms provided by the racing secretary. At the same time, any trainer of thoroughbred, quarter horses, Arabian, or other breeds must submit with that registration a description of the owner's colors for each horse in ~~his or her~~ the trainer's charge.

F. Each trainer must provide a current list of all persons in ~~his or her~~ the trainer's employ to the association's security office and must ensure that those persons are licensed by the commission no later than the next racing day after those employees arrive on the grounds of an association. Upon discharge of an employee, the trainer shall report that fact to the association's security office by no later than the end of that racing day.

G. The trainer shall supply each horse in ~~his or her~~ the trainer's care with adequate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

H. A trainer may use only veterinarians licensed by the commission to tend horses in ~~his or her~~ the trainer's care that are entered to race or at any time that the horses are on the grounds of an association.

[For text of items I and J, see M.R.]

K. A thoroughbred, quarter horse, Arabian, or other breed trainer shall personally attend ~~his or her~~ the trainer's horses in the paddock, and shall supervise ~~his or her~~ the trainer's horses' preparation to race, unless excused by the stewards because of illness or other emergency.

L. If a trainer is responsible for two or more horses in any race, the trainer shall instruct the jockeys or drivers ~~he or she the trainer~~ has engaged that each shall give ~~his or her~~ the trainer's best effort and that each horse shall be ridden or driven to win.

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

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier ~~and~~, racing secretary, ~~and~~ commission veterinarian.

[For text of items O and P, see M.R.]

Q. A trainer must promptly report the death of any horse in ~~his or her~~ the trainer's care on the grounds of an association to the commission veterinarian and must comply with part 7891.0110 governing postmortem examinations.

R. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill ~~his or her~~ the absent trainer's duties, and promptly report the appointment to the stewards. The absent trainer and substitute

Proposed Rules

trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

S. Trainers licensed as owners must train all horses owned wholly or in part by them.

T. Each trainer shall comply with ~~all provisions of~~ Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

[For text of subp 2a, see M.R.]

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

A. An apprentice jockey must ride with a five-pound weight allowance beginning with ~~his or her~~ the jockey's first mount and for one full year thereafter, unless the jockey is riding in stakes races, handicap races, or substituting for a journeyman jockey who is unable to fulfill a riding engagement. If after one full year from the date of ~~his or her~~ the jockey's fifth winning mount the apprentice jockey has failed to ride 40 winners, ~~he or she~~ the jockey's shall continue to ride with a five-pound weight allowance for up to two years from the date of ~~his or her~~ the jockey's fifth winning mount or until ~~he or she~~ the jockey has ridden a total of 40 winners, whichever comes first. Apprentice allowances may be waived with the stewards' permission at the time of entry by the trainer or the trainer's designee. If an apprentice jockey is unable to ride for a period of 14 consecutive days or more after the date of the jockey's fifth winning mount because of service in the United States armed forces, enrollment in an institution of secondary or postsecondary education, or because of physical disability, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride.

[For text of items B to G, see M.R.]

H. No jockey may weigh-out if ~~he or she~~ the jockey is more than two pounds over the weight assigned to ~~his or her~~ the jockey's horse without permission of the owner or trainer, and under no circumstances shall the overweight exceed seven pounds.

I. If employing an agent, a jockey is bound by all commitments made by the agent. If not employing an agent, the jockey shall conduct ~~his or her~~ business as if ~~he or she were~~ his or her own the jockey is the agent.

J. A jockey must fill ~~his or her~~ all riding engagements. However, no jockey may be forced to ride a horse ~~he or she~~ that the jockey believes to be unsafe, or to ride on a race course ~~he or she~~ the jockey believes to be unsafe.

K. A jockey unable to fulfill ~~his or her~~ riding engagements because of illness or injury must pass a physical examination conducted by a licensed physician or paramedic before resuming race riding.

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

~~M. A jockey must wear a protective helmet with a buckled chin strap while mounted upon any horse at a licensed race-track. A jockey must wear a safety vest when riding in any official race. The safety vest must comply with one of the following minimum standards or later revisions:~~

- ~~(1) British Equestrian Trade Association (BETA):2000 Level 1;~~
- ~~(2) Euro Norm (EN) 13158:2000 Level 1;~~
- ~~(3) American Society for Testing and Materials (ASTM) F2681-08 or F1937;~~
- ~~(4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or~~
- ~~(5) Australian Racing Board (ARB) Standard 1, 1998.~~

~~N. M.~~ In any race, a jockey must ride to win or to finish as near as possible to first. A jockey shall not ease ~~his or her~~ the jockey's horse without cause, even if the horse has no apparent chance to earn a portion of the purse.

~~O. N.~~ A jockey must make ~~his or her~~ the jockey's best effort to control and guide ~~his or her~~ the jockey's horse in such a way so as not to endanger ~~his or her~~ the jockey's own horse or other horses and jockeys, nor to cause a foul.

~~P. O.~~ A jockey must unsaddle ~~his or her~~ the jockey's own horse before weighing in.

Proposed Rules

(1) A jockey shall weigh in at no less than the same weight at which the jockey weighed out, and if under that weight, and after consideration of mitigating circumstances by the board of stewards, the jockey's mount may be disqualified from any portion of the purse money.

(2) In the event of a disqualification, all money wagered on the horse shall be refunded unless the race has been declared official.

(3) A jockey's weight shall include clothing, boots, saddle and its attachments, and any other equipment except the bridle, bit, blinkers, number cloth, overgirth, reins, and breast collar.

(4) Upon approval of the stewards, the jockeys may be allowed up to three pounds more than published weights to account for inclement weather clothing and equipment.

(5) The postrace weight of jockeys includes any sweat, dirt, and mud that have accumulated on the jockey, and the jockey's clothing, safety equipment, and overgirth. This accounts for additional weight, depending on specific equipment, as well as weather, track, and racing conditions.

Q. P. Each jockey must check the stewards' daily video replay list in the jockeys' room and report to the stewards, at the time designated, if so required by the list.

R. Q. A jockey must notify the stewards in writing on a form provided by the commission if ~~he or she~~ the jockey intends to sever a business relationship with an agent or if ~~he or she~~ the jockey intends to change agents. The notification must be signed by both the jockey and agent.

S. R. A jockey not prohibited by contract may agree to give first or second call on ~~his or her~~ the jockey's services to any licensed owner or trainer. Such agreements must be in writing if for a period of more than 30 days.

T. S. A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent the jockey from riding another horse.

U. T. Conflicting claims for the services of a jockey shall be decided by the stewards.

V. U. A jockey mount fee shall be considered earned by a jockey when ~~he or she~~ the jockey is weighed out by the clerk of scales, except in the following cases:

(1) (a) When the jockey does not weigh out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay a jockey mount fee that is equal to that earned by the jockey who rode the horse to each jockey engaged for the race.

(b) In the event an owner or trainer elects to remove a jockey from a mount after naming a rider at the time of the draw, the stewards shall require a double jockey fee to be paid if the named rider is available to ride in that race. The fee to be paid to the jockey who was removed from the mount is equal to that earned by the jockey who rode the horse.

(2) When a jockey, of the jockey's own free will, elects to be taken off a mount where injury to the horse or rider is not involved.

(3) When the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing out and the start of the race.

(4) Any conditions or considerations not covered by this part shall be addressed at the discretion of the stewards. All jockey protests must be filed prior to the race.

W. V. Whenever a jockey from a foreign country, excluding Mexico or Canada, rides in Minnesota, the jockey must present a declaration sheet stating that ~~he or she~~ the jockey is a holder of a valid license and not under suspension, and that ~~he or she~~ the jockey agrees to be bound by the commission's rules. This sheet shall be retained by the clerk of scales and, at the conclusion of the jockey's participation in racing, shall be returned to the jockey properly endorsed by the clerk of scales stating whether or not the jockey incurred any penalty or had a fall.

Proposed Rules

~~W.~~ No jockey shall willfully or purposely touch, strike, or jostle another jockey or horse, either with hands or riding crop, from the time they leave the paddock until after dismounting from a race.

~~X.~~ A jockey who is suspended for less than ten days for a riding infraction may be allowed to ride in a stakes or trial race that was designated by the stewards prior to the start of the race season. Permission to race will be granted at the stewards' discretion, based on the circumstances of the suspension.

[For text of subps 4 to 10, see M.R.]

Subp. 11. Required safety equipment for all licensees.

A. A person mounted on or driving a horse on association grounds, and a person handling a horse at the starting gate, must wear a properly secured safety helmet at all times. The helmet must comply with one of the following minimum safety standards or later revisions:

- (1) American Society for Testing and Materials (ASTM 1163);
- (2) European Standards (EN-1384 or PAS-015 or VG1);
- (3) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012); or
- (4) Snell Equestrian Standard 2001.

B. A person mounted on a horse or racing in a sulky on association grounds, and a person handling a horse at the starting gate, must wear a properly secured safety vest at all times. The safety vest must comply with one of the following minimum standards or later revisions:

- (1) British Equestrian Trade Association (BETA):2000 Level 1;
- (2) Euro Norm (EN) 13158:2000 Level 1;
- (3) American Society for Testing and Materials (ASTM) F2681-08 or F1937;
- (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or
- (5) Australian Racing Board (ARB) Standard 1.1998.

C. A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

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

Subp. 4. **Paddock judge.** The paddock judge shall have the responsibilities in items A to L.

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

L. The paddock judge shall compile a schooling list ~~comprised of any horse that is~~ horses that are fractious or unruly in the paddock, and shall supervise the paddock schooling of those horses or that exhibit poor or inconsistent behavior in the paddock that could endanger the safety of other participants in racing. The schooling list shall be provided to the stewards at the end of each race day and posted in the race office. No horse on the schooling list may be eligible to race until removed from the list by the paddock judge. To be removed from the schooling list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

[For text of subp 4a, see M.R.]

Subp. 5. **Identifier.** The identifier shall have the responsibilities in items A and B.

A. The identifier ~~shall check~~ is responsible for checking the identification of all horses entering the paddock by checking the microchip, tattoo numbers, freeze branding, or other identification method approved by the appropriate breed registry, as well

Proposed Rules

as the sex, color, and markings, and comparing those with documents of registration, eligibility, or breeding, as necessary to ascertain a horse's identity.

The identifier shall notify the stewards immediately upon detecting any discrepancy in a horse's microchip, tattoo numbers, freeze brand, other approved identification method, markings, or other identifying characteristics.

The identifier ~~shall supervise~~ is responsible for supervising the identification of any horse on the grounds of an association before approving the horse for microchipping, tattooing, freeze branding, or other approved identification method.

B. The identifier shall be responsible to the paddock judge for maintaining a card that will list all equipment worn, including shoes, and the microchip, tattoo, or freeze brand number, or other approved identification method, for each horse racing at the meeting. The identifier shall compare the equipment actually being used on the horse with the approved equipment listed on the card.

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Commission veterinarian.** The commission veterinarian shall maintain a list of the following:

- A. horses that are scratched because of illness or injury;
- B. horses that are pulled up because of lameness or other injury during a race;
- C. horses that are bleeders, pursuant to part 7890.0140, subpart 1; and

D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

The veterinarian's list shall be posted ~~in the racing secretary's~~ outside the commission veterinarian's office, and any horse whose name is on the list shall be ineligible to start in a race for five calendar days, or until the commission veterinarian or association veterinarian removes it from the list, whichever is later. All workouts required by the commission veterinarian for the purpose of potentially removing a horse from the veterinarian's list must be conducted under the same medication requirements as those for race days. For purposes of this subpart, the five-day period during which a horse is ineligible to start begins to run on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission and shall include horses on the veterinarian's list in other racing jurisdictions.

The commission veterinarian shall conduct racing soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race ~~he or she~~ the veterinarian shall notify the stewards immediately in writing.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian must post in a location accessible to all trainers, a list of all horses registered as «nerved» pursuant to part 7897.0100, subpart 11.

The commission veterinarian shall have the authority to draw and submit blood to the diagnostic laboratory from any horse or pony on the grounds of an association for the purpose of testing for equine infectious anemia (EIA) and other reportable infectious diseases as determined by the Minnesota Board of Animal Health, and shall supervise the removal from the racetrack of any horse or pony having positive EIA or reportable infectious disease test results.

In the event of a veterinary emergency where the owner's veterinarian is not on racetrack grounds, the commission veterinarian or association veterinarian may administer emergency treatment to a horse after consulting with the owner or the owner's agent if they are present on racetrack grounds. In all cases, the owner's veterinarian will be notified and the case transferred to the owner's veterinarian as soon as the owner's veterinarian is present.

In the absence of an association veterinarian, a commission veterinarian shall assume the duties and responsibilities of the association veterinarian.

[For text of subps 8a to 15, see M.R.]

Proposed Rules

7878.0140 CONTINUING EDUCATION.

Subpart 1. **Licensee shall successfully complete refresher training.** No security officer's license may be renewed unless the licensee or ~~his or her~~ the appointing authority furnishes the commission proof that the licensee is currently certified in cardiopulmonary resuscitation and has successfully completed, on an annual basis, at least eight hours of refresher training in the areas of:

- A. first aid; and
- B. security plan, policy, and procedure of the racing association; and
- C. ~~cardiopulmonary resuscitation.~~

Subp. 2. **Commission must approve courses.** Prior to receiving credit for course approval, the appointing authority or the licensee must submit to the commission a detailed outline of the course and the instructors' credentials. All POST Board certified courses ~~will~~ shall be considered by the commission to be approved continuing education courses. ~~Approval must be gained from the commission ten days prior to commencement of the course. Upon approval, the commission shall issue a letter to the appointing authority.~~ Approval of continuing education courses shall be based on relevance to knowledge, skills, and abilities needed for security officers. Approved courses of continuing education credit will be granted at the rate of one hour for each 50 minutes of class sessions.

7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subps 1 to 15a, see M.R.]

Subp. 16. **Workout requirements.** In order to be eligible:

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

C. A first-time starters starter must have gate approval and a minimum of two timed workouts, one of which must be out of the gate, within no more than 60 days prior to the race in which it is entered.

D. A horse, other than a first-time starter, which has not started for a period of more than one year ~~or more~~ shall not be eligible to start until it has completed three timed workouts, at least one of which must be before a an official timed workout observed and approved by a commission veterinarian. ~~The timed workout before a commission veterinarian must occur within no more than~~ 30 days and no less than 48 hours prior to the race for which the horse is entered.

E. Official timed workouts shall be conducted under the same medication and testing rules applicable to racing. A horse is not eligible to be entered in a race until negative results of post-workout medication testing have been returned to the commission veterinarian.

E.F. For all county fairs in which the average daily handle for the preceding year was less than \$150,000 all workout requirements shall be waived except that in the case of a horse that has not started for a period of one year, the owner or trainer must contact the commission veterinarian prior to entry for an examination and workout as determined by the commission veterinarian.

For the purposes of items D and E.F., and removing a horse from the stewards' list, all workouts must be conducted under the same medication requirements as those for race days.

[For text of subps 17 and 18, see M.R.]

7883.0140 CLAIMING RACES.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

~~A.~~ A claim made on a horse that suffers a fatality during the running of the race or is euthanized for a disarticulated joint, compound comminuted fracture, or fracture of the skull, spine, or pelvis, any of which occurred during or directly after the race, is automatically voided ~~unless, prior to the race in which the horse is claimed, the claimant had elected to claim the horse regardless of the disposition of the horse.~~

Proposed Rules

B. An election made in item A shall be entered on the claim form in accordance with claiming rules:

[For text of subps 9 to 11, see M.R.]

Subp. 12. **Disclosure of bred mare.** If a filly or mare has been bred and is in foal, she is ineligible to be entered into a claiming race unless:

A. full written disclosure of that fact, on a form prescribed by the commission, is on file with and posted in the office of the racing secretary; and posted at the office of the commission veterinarian. The written disclosure must include, at a minimum, the date of last cover and the name of the stallion;

B. ~~the breeding slip has been deposited with the racing secretary; and~~

~~C. all payments due for the service in question and for any live progeny resulting from that service are paid in full; and~~

~~D. the release of the breeding slip to the successful claimant at the time of the claim is guaranteed; or~~

E. ~~in the alternative to items A to D, a licensed veterinarian's certificate dated at least 40 days after the last breeding of the mare or filly is on file with the racing secretary stating that the mare or filly is not in foal.~~

[For text of subps 13 to 31, see M.R.]

Subp. 32. **Report of corticosteroid joint injections.** The trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the new trainer an accurate record of all corticosteroid joint injections that were administered to the horse within 30 days before the race.

7883.0160 POST TO FINISH.

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

Subp. 6. **Interference and willful fouling.** The following rules shall Items A to E apply with respect to the running of a race.

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

C. During a race no jockey shall willfully or carelessly strike or touch another jockey or another jockey's horse or equipment with the effect of interfering with that horse or jockey, nor shall a jockey strike the jockey's horse on or about the head area.

D. For willful fouling or careless riding, a jockey may be fined or suspended, or both, by the stewards according to the nature and seriousness of the offense.

E. A jockey whose horse has been disqualified or who unnecessarily caused the horse to change or shorten its stride for the purpose of losing a race may be fined or suspended.

Subp. 6a. **Use of riding crop.** Items A to E apply with respect to the use of a riding crop.

A. A jockey shall use a riding crop in a manner consistent with using the jockey's best efforts to win.

B. A jockey must not use the riding crop indiscriminately.

C. A jockey must not strike a horse more than three consecutive times without pausing to only push on the horse giving it a chance to respond before using the riding crop again.

D. Jockeys are prohibited from striking a horse:

(1) on the head, flanks, or on any part of its body other than the shoulders or hind quarters;

(2) during the post parade except when necessary to control the horse;

(3) excessively or brutally causing welts or breaks in the skin;

Proposed Rules

- (4) when the horse is clearly out of the race or has obtained its maximum placing;
- (5) persistently even ~~though~~ when the horse is showing no response under the riding crop; or
- (6) after the race.

E. Correct uses of the riding crop are:

- ~~(a)~~ (1) showing horses the riding crop before hitting them;
- ~~(b)~~ (2) using the riding crop in rhythm with the horse's stride; and
- ~~(c)~~ (3) using the riding crop as an aid to maintain a horse running straight.

D. For willful fouling or careless riding a rider may be fined or set down or both by the stewards according to the nature and seriousness of the offense.

E. A jockey whose horse has been disqualified or who unnecessarily caused his or her horse to change or shorten its stride for the purpose of losing a race may be fined or suspended.

[For text of subps 7 to 13, see M.R.]

Subp. 14. **Horse becomes crippled or disabled or otherwise unable to finish.** The following procedures shall Items A to E apply if a horse during the running of a race becomes crippled disabled or otherwise obviously unable to finish (~~broken bone, profuse bleeding, or other equally disabling condition~~):

A. ~~It~~ The horse shall be dismounted, unsaddled by the jockey or ~~an~~ another MRC licensee, and removed from the course ~~without passing the stand by horse ambulance.~~

[For text of items B to E, see M.R.]

7884.0270 EXPANDED HOMESTRETCH RACING.

Subpart 1. **Authority.** With the approval of the commission, a Class B or D licensee may expand the width of its homestretch by no less than ten feet nor more than 14 feet inward in relation to the width of the remainder of the racetrack.

Subp. 2. **Rules.** In the event the homestretch is expanded pursuant to subpart 1, the following ~~shall~~ apply:

A. When entering or while going through the homestretch for the first time in a race, no horse shall use the expanded inside lane in an attempt to pass other horses or improve its position. ~~Any~~ A horse ~~which that~~ does so shall be disqualified and placed ~~last in the order of finish at the discretion of the stewards, whose decision shall be final.~~

B. The lead horse in the homestretch shall maintain its position giving the trailing horses full access to the expanded inside lane. If, in the opinion of the stewards, the lead horse changes course in the homestretch in an attempt to prevent a trailing horse from passing, ~~said~~ the horse shall be placed accordingly.

C. Horses using the expanded inside lane, during the homestretch drive for the finish of the race must first have complete clearance of the pylons marking the inside boundary of the race course. ~~Any~~ A horse or sulky running over one or more of the pylons or going inside the pylons, while attempting to use the expanded inside lane, may be disqualified and placed ~~last in the order of finish at the discretion of the stewards, whose decision shall be final.~~

D. During the final one-eighth mile of a race, a horse may only be driven into the expanded homestretch lane for the purpose of passing another horse and shall not be driven into the expanded homestretch lane for the purpose of blocking a trailing horse. It shall be presumed that ~~any~~ a horse driven into the expanded homestretch lane which blocks a trailing horse, without advancing on the horse it was allegedly attempting to pass, was being driven for the purpose of blocking a trailing horse. If, in the opinion of a majority of the stewards, a horse is driven into the expanded homestretch lane for the purpose of blocking a trailing horse, the driver of the blocking horse may be fined ~~and/or~~ or suspended, ~~or both~~, and the horse may be placed accordingly.

Proposed Rules

7890.0100 DEFINITIONS.

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

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

Subp. 3b. *[See repealer.]*

[For text of subps 3c to 12b, see M.R.]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. ~~The term~~ Medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

A. Nonsteroidal anti-inflammatory drugs (NSAIDs):

(1) The use of one of the three approved NSAIDs shall be permitted under the following conditions, with the exception of two-year-old race horses where no concentration of any NSAIDs, other than ~~but~~ phenylbutazone, are allowed in the plasma or serum sample taken after racing or official timed workouts:

(a) ~~but~~ phenylbutazone, provided that the test sample does not contain more than two micrograms of the substance thereof per milliliter of blood plasma or serum;

(b) flunixin, provided that the test sample does not contain more than 20 nanograms of the substance thereof per milliliter of blood plasma or serum; and

(c) ketoprofen, provided that the test sample does not contain more than two nanograms of the substance thereof per milliliter of blood plasma or serum.

(2) No NSAIDs can be administered within the 24 hours before post time for the race in which the horse is entered. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(3) ~~The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 0.3 micrograms per milliliter of serum or plasma and flunixin with a concentration below three nanograms per milliliter of serum or plasma, or any unapproved NSAID in the post-race serum or plasma sample, or sample taken after an official timed workout is not permitted; and shall constitute an NSAID stacking violation as follows:~~

(a) a Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

i. two nonsteroidal anti-inflammatory drugs are found at individual levels exceeding the following restrictions:

Diclofenac	<u>5 nanograms per milliliter of plasma or serum;</u>
Firocoxib	<u>20 nanograms per milliliter of plasma or serum;</u>
Flunixin	<u>20 nanograms per milliliter of plasma or serum;</u>
Ketoprofen	<u>2 nanograms per milliliter of plasma or serum;</u>
Phenylbutazone	<u>2 micrograms per milliliter of plasma or serum; or</u>
all other nonsteroidal anti-inflammatory drugs	<u>laboratory concentration of detection;</u>

Proposed Rules

ii. three or more nonsteroidal anti-inflammatory drugs are found at individual levels exceeding the following restrictions:

Diclofenac	5 nanograms per milliliter of plasma or serum;
Firocoxib	20 nanograms per milliliter of plasma or serum;
Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum;
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum; or
all other nonsteroidal anti-inflammatory drugs	laboratory concentration of detection;

(b) a Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

i. any one substance noted in unit (a), subunit (i), is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:

Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum; or
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum; or

(c) a Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when any combination of two of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in unit (a), but in excess of the noted restrictions:

Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum; or
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum.

(4) Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample taken at the direction of the official veterinarian to determine the quantitative NSAID levels and/or the presence of other drugs which may be present in the blood or urine sample.

B. Furosemide, provided, however, that it is administered pursuant to the provisions of part 7890.0140, subpart 7a. The concentration of furosemide must not exceed 100 nanograms per milliliter of serum or plasma in the post-race blood sample.

C. Topical applications, such as antiseptics, ointments, salves, leg rubs, and leg paints which may contain antibiotics (excluding procaine, penicillin, and chloramphenicol) but which shall not contain ethanol, benzocaine, DMSO, lidocaine, steroids, or other medications.

D. Vitamins and electrolytes, provided the vitamins and electrolytes are administered orally and do not contain any medications.

[For text of subp 13a, see M.R.]

Subp. 13b. *[See repealer.]*

[For text of subps 13c to 21, see M.R.]

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

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

Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.** The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

A. any treated horse shall not be permitted to race for a minimum of ten days following treatment with day one being the first day of treatment;

B. the use of extracorporeal shock wave therapy or radial pulse wave therapy machines shall be limited to veterinarians licensed by the commission and must be performed in a central location at the licensed racetrack determined by the commission

Proposed Rules

veterinarian during hours specified by the commission veterinarian;

C. any extracorporeal shock wave therapy or radial pulse wave therapy machines on association grounds must be registered with the commission veterinarian prior to use; and

D. all extracorporeal shock wave therapy or radial pulse wave therapy treatments must be recorded on a form prescribed by the commission, and provided to the commission veterinarian 24 hours prior to ~~use~~ treatment.

[For text of subs 4 to 12, see M.R.]

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. **Prima facie evidence.** A ~~post-race~~ finding by a chemist of any positive test or overage in the test sample of a horse taken after a race or official timed workout shall be considered prima facie evidence that the medication or ~~metabolites~~ metabolite, androgenic anabolic ~~steroids~~ steroid, substance foreign to the natural horse, or endogenous, dietary, or environmental ~~substances~~ substance, NSAIDs NSAID, or furosemide was administered to the horse prior to the race or official timed workout and carried in the body of the horse while participating in ~~a the~~ the race or official timed workout. A horse racing on furosemide must show a detectable concentration of the drug or metabolites in the post-race serum or plasma sample. A finding by a chemist of any venom or blood doping agent in the test sample of a horse shall be considered prima facie evidence that the venom or blood doping agent was administered to the horse prior to the race or official timed workout and carried in the body of the horse while participating in a race or official timed workout. A finding by a chemist of a level of TCO₂ greater than 37 millimoles per liter of blood in the test sample of a horse shall be considered prima facie evidence that an alkalinizing agent was administered to the horse prior to the race or official timed workout after which the test sample was taken.

[For text of subp 2, see M.R.]

7892.0120 TAKING OF SAMPLES.

Subpart 1. **Horses tested.**

A. ~~Blood and/or urine~~ After every race, test samples shall be taken from at least two horses, one of which must be the winning horse ~~in every race~~.

B. ~~Blood and/or urine~~ Test samples may be taken from ~~randomly selected other~~ other horses on the grounds of a licensed race-track as designated by the stewards or the commission veterinarian at any time ~~upon suspicion that a violation of chapter 7890 has occurred~~. Horses to be tested may be selected at random or as otherwise reasonably determined by the stewards or commission veterinarian. Test results shall note whether the tested horse was racing in a competition at the time of the test.

C. Out-of-competition testing for blood ~~and/or~~ or gene doping agents or both may be performed under the direction of the stewards or the commission veterinarian on horses nominated for graded stakes as agreed to on the nomination form by the owner of the horse. Split samples shall be collected in accordance with subpart 5.

D. The stewards or commission veterinarian may require that specimens of hair, saliva, or other body fluid or excretion may be taken from a tested horse as deemed necessary by the stewards or the commission veterinarian to determine whether a violation of chapter 7890 has occurred.

E. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

[For text of subs 2 to 6, see M.R.]

7895.0275 STANDARDBRED REGISTRATION.

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

Subp. 2. **Foal certification.** In order for a horse bred in Minnesota to be registered and subsequently certified as Minnesota-bred, the ~~following~~ requirements in items A to C must be met:

A. The USTA certificate of registration must be ~~embossed by the Racing Commission or~~ available for review through the official registering agency prior to entry into any restricted race.

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

Proposed Rules

[For text of subps 3 to 5, see M.R.]

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 19, see M.R.]

Subp. 20. **Possession, administration to, or presence in a horse of a prohibited drug, substance, medication or metabolites, biological product, growth hormone, hormone releasing factor, venom, or synthetic analog of venom.**

A. No person may possess or administer, on the premises of a licensed association under the jurisdiction of the commission, a prohibited drug, substance foreign to the natural horse, medication or metabolites, biological product, blood doping agent, growth hormone, venom, synthetic analogue of venom, derivative of venom, or synthetic analogue of a derivative of venom, or a synthetic or natural analogue of a hormone releasing factor that has not been approved by the United States Department of Agriculture (USDA) or the United States Food and Drug Administration (FDA) for any use in humans or animals without prior permission of the stewards or judges and commission veterinarian.

B. No person may possess or administer a prohibited drug, substance, medication or metabolites, biological product, venom, synthetic analogue of venom, derivative of venom, synthetic analogue of a derivative of venom, synthetic or natural analogue of a hormone releasing factor, or growth hormone on the premises of a facility under the jurisdiction of the commission:

[For text of subitems (1) to (4), see M.R.]

C. The presence in or administration to a horse of the following, on the premises of a licensed association under the jurisdiction of the commission, is prohibited at any time:

[For text of subitem (1), see M.R.]

(2) naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, synthetic analogues of derivatives of venoms, synthetic or natural analogues of hormone releasing factors, or growth hormone;

[For text of subitems (3) and (4), see M.R.]

[For text of items D to F, see M.R.]

[For text of subp 21, see M.R.]

REPEALER. Minnesota Rules, parts 7870.0510; 7871.0020; 7871.0080; 7871.0090, subpart 3; 7871.0120; 7871.0130; 7871.0140; 7873.0185, subpart 8; 7873.0188, subpart 8; 7884.0230, subparts 3 and 3a; 7890.0100, subparts 3b and 13b; and 7899.0100, are repealed.

Commissioner's Orders

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

Department of Natural Resources (DNR)

Commissioner's Order 17-01: Wildlife Lake Designation of Mahlke Marsh, Lyon County

Date: 02/02/2017

Statutory authority: *Minnesota Statutes*, section 97A.101.

- Supersedes [describe with reference information]
- Supplements [describe with reference information]

BACKGROUND

The Department met the statutory requirements to designate Mahlke Marsh as a Wildlife Management Lake under authority in Minnesota Statute, section 97A.101 as follows:

1. A public hearing was held for Mahlke Marsh in Lyon County at the Balaton Community Center at 6:30 p.m on November 1st, 2016.
2. A legal notice announcing the hearing for Mahlke Marsh was published in a local legal newspaper, The Balaton Press and the Marshall Independent on October 19th, 2016.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97A.101, that Mahlke Marsh (DOW#4200600) T110N, R42W, Sections 34 is designated for the purposes of wildlife management.

Tom Landwehr, Commissioner

Date: 2/2/2017

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.

Department of Employment and Economic Development (DEED)

Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under Minnesota Statutes 116J.8748

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development ("DEED") will conduct a public hearing on **Friday, March 17, at 1:00 p.m.**, or as soon thereafter as reasonably possible at 332 Minnesota Street, Suite E200, in Saint Paul, Minnesota, on a proposal to provide funding through the Minnesota Job Creation Fund Program

Official Notices

pursuant to authority granted under Minnesota Statutes 116J.8748 and Minnesota Rules Chapter 4301. This hearing is conducted in accordance with Minnesota Statutes 116J.994, Subd. 5.

Description of Project and Proposed JCF Funding:

Prime Therapeutics LLC may expand in Eagan (Dakota County), Minnesota. The company manages coverage for medicine to health insurers, employers, Medicare recipients, and individuals. The company also processes claims and delivers medicine to its members and offers clinical services for those with complex medical conditions. The company is planning to expand and may lease space in Eagan and make tenant improvements. The total project cost is approximately \$50,000,000 with \$25,000,000 of it eligible for a capital investment rebate. The company expects to create 200 jobs within four years at an average cash wage of \$29.96 per hour. The project is eligible for a job creation award of up to \$430,000 and a capital investment rebate of up to \$500,000.

All interested persons may appear and be heard at the time and place set forth above. Persons interested in participating via teleconference should contact Tom Washa, Minnesota Job Creation Fund Program Manager at (651) 259-7483 or Tom.Washa@state.mn.us prior to the date of the hearing for instructions on how to participate in the conference call.

Interested persons may mail written comments to Tom Washa at the street or e-mail address set forth above prior to the date of the hearing set forth above. All persons who appear at the meeting or participate via teleconference will be given an opportunity to express their views with respect to the proposal to award funds from the Minnesota Job Creation Fund.

Minnesota Housing Finance Agency Notice to the Affordable Housing Appraisal Community

Minnesota Housing is currently updating its list of approved appraisers. The Agency periodically contracts with appraisers to value affordable housing developments and land parcels to be used for affordable housing development. When an appraisal is required by the Agency, bids for the work are secured from several individual appraisers on this list and the Agency may then contract with one bidder to conduct the work.

Copy Request:

To get a copy of the Quick Call (solicitation), please send a written request, by email to: Laird Sourdif, RFP Coordinator, Laird.Sourdif@state.mn.us

The list is open to qualified appraisers only (as individuals, and not as companies) and the Agency reserves the right to limit the size of the list for quality control purposes. All applications will be scored by a review panel to determine who will be included on the approved list. Being included on the list does not obligate the Agency to contract with the individual for any appraisal service.

Proposal Deadline:

Proposals submitted in response to the Quick Call in this advertisement must be received by mail no later than **March 29, 2017**. 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.

Questions:

Questions concerning this Solicitation should be directed to Laird Sourdif, RFP Coordinator at 651-296-9795 or Laird.Sourdif@state.mn.us

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

Department of Human Services

Notice of Correction: Request for Comments Possible Amendment to Rules Governing Retroactive Billing, *Minnesota Rules*, Part 9505.0450, Subpart 3; Revisor's ID Number 4415

Correction: The following was meant as an Official Notice of Request for Comments, but was instead published as a Proposed Rule in the State Register dated February 27, 2017. The Request for Comments is republished here as an Official Notice, as originally intended.

Subject of Rules. The Minnesota Department of Human Services requests comments on its proposed amendment to the rules governing retroactive billing for medical assistance providers and reimbursement of medical assistance recipients at part 9505.0540, subpart 3. Under the current rule, if a recipient was determined retroactively eligible for medical assistance, and has made payments to a provider for services received during a retroactive eligibility time period, the provider has the option of billing medical assistance and refunding the recipient, but only up to the amount paid by medical assistance. The proposed rules amendment would require providers to reimburse recipients for any amounts paid by a recipient for covered services during a retroactive period, regardless of whether the provider bills medical assistance or the amount paid by medical assistance. The amendment would also allow the recipient to appeal a provider's failure to refund the recipient.

The Department believes that with the amendment the rules part will better align with federal requirements regarding retroactive coverage.

Persons Affected. The amendment to the rules would likely affect medical assistance providers, and recipients who seek retroactive eligibility for payments submitted to providers for services received.

Statutory Authority. *Minnesota Statutes*, section 256B.04, subdivision 2, requires the Department to establish "uniform rules and regulations, not inconsistent with law" to ensure that the medical assistance program will be carried out in an efficient, economic, and impartial manner.

Public Comment. Interested persons or groups may submit comments or information on the possible rules amendment in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules as amended until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the proposed amendment.

Rules Drafts. The Department has drafted the possible rules amendment, which is included at the end of this notice. Interested persons can also obtain a copy of the draft rules from the department contact person listed below.

Department Contact Person. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on this possible rules amendment should be directed to:

Vanessa Vogl
Minnesota Department of Human Services
PO Box 64254
Saint Paul, MN 55164-0254
(651) 431-2843
TTY users may call the Department at (800) 627-3529
vanessa.vogl@state.mn.us

You can also submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at <https://minnesotaoah.granicusideas.com/discussions>.

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 Department contact person listed above.

Official Notices

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 Department 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: January 12, 2017

Amy Akbay, Chief General Counsel
Minnesota Department of Human Services

9505.0450 BILLING PROCEDURES; GENERAL.

Subpart 1. **Billing for usual and customary fee.** A provider shall bill the department for the provider's usual and customary fee only after the provider has provided the health service to the recipient.

Subp. 2. **Time requirements for claim submission.** Except as in subpart 4, a provider shall submit a claim for payment no later than 12 months after the date of service to the recipient and shall submit a request for an adjustment to a payment no later than six months after the payment date. The department has no obligation to pay a claim or make an adjustment to a payment if the provider does not submit the claim within the required time.

Subp. 3. **Retroactive billing.** If the recipient is retroactively eligible for medical assistance and notifies the provider of the retroactive eligibility, the provider may bill the department the provider's usual and customary charge. If the recipient paid any portion of the provider's usual and customary charge during this period, the provider must reimburse the recipient the actual amount paid by the recipient but not more than the amount paid to the provider by medical assistance. Failure of the provider to comply with this part shall not be appealable by the recipient under Minnesota Statutes, section 256.045.

Subp. 4. **Exceptions to time requirements.** A provider may submit a claim for payment more than 12 months after the date of service to the recipient if one of the circumstances in items A to D exists. The department shall pay the claim if it satisfies the other requirements of a claim for a covered service.

A. The medical assistance claim was preceded by a claim for payment under Medicare which was filed according to Medicare time limits. To be eligible for payment, the claim must be presented to the department within six months of the Medicare determination.

B. Medical assistance payment of the claim is ordered by the court and a copy of the court order accompanies the claim or an appeal under Minnesota Statutes, section 256.045, is upheld. To be eligible for payment, the claim must be presented within six months of the court order.

C. The provider's claim for payment was rejected because the department received erroneous or incomplete information about the recipient's eligibility. To be eligible for payment, the provider must resubmit the claim to the department within six months of the erroneous determination, together with a copy of the original claim, a copy of the corresponding remittance advice, and any written communication the provider has received from the local agency about the claim. The local agency must verify to the department the recipient's eligibility at the time the recipient received the service.

D. The provider's claim for payment was erroneously rejected by the department. To be eligible for payment, the provider must resubmit the claim within six months of receipt of the notice of the erroneous determination by sending the department a copy of the original claim, a copy of the remittance advice, any written communication about the claim sent to the provider by the local agency or department, and documentation that the original claim was submitted within the 12-month limit in subpart 2.

Subp. 5. **Format of claims.** To be eligible for payment, a provider must enter on the claim the diagnosis and procedure codes required by the department and submit the claim on forms or in the format specified by the department. The provider must include with the claim information about a required prior authorization or second surgical opinion. Further, the provider shall submit with the claim additional records or reports requested by the department as necessary to determine compliance with parts 9505.0170 to 9505.0475.

Subp. 6. **Repeated submission of nonprocessable claims.** A provider's repeated submission of claims that cannot be processed without obtaining additional information shall constitute abuse and shall be subject to the sanctions available under parts 9505.2160 to 9505.2245.

Subp. 7. **Direct billing by provider.** Except as in parts 9505.0070 and 9505.0440, a provider or the provider's business agent as in part 9505.0455 shall directly bill the department for a health service to a recipient.

State Board of Investment

Notice to Institutional Investment Management Firms for Consideration to Potentially Manage a Portion of the Pension Assets and Other Accounts

The Minnesota State Board of Investment (MSBI) retains institutional investment management firms to manage a portion of the pension assets and other accounts under its control. Periodically, the MSBI will conduct a search for institutional investment management firms on an as needed basis. For additional information on the domestic stock, international stock, or domestic bond portfolio programs for the MSBI, firms are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
60 Empire Drive, Suite 355
St. Paul, MN 55103-3555

Tel.: (651) 296-3328

Fax: (651) 296-9572

E-mail: minn.sbi@state.mn.us

Please refer to this notice in your written request.

Department of Labor and Industry

Labor Standards Unit

Notice of Correction to Commercial and Highway Heavy Prevailing Wage Rates

Corrections have been made to the Commercial Wage Rates certified 12/27/2016 for;

Laborer Common, (Labor Code 101) in Sherburne, Le Sueur, Rice, Koochiching and Waseca counties

Laborer Skilled, (Labor Code 102) in Sherburne, Le Sueur, Rice, Koochiching and Waseca counties

Laborer Landscaping, (Labor Code 103) in Washington and Wright counties

Flag Person, (Labor Code 104) in Sherburne County

Watch person, (Labor Code 105) in Sherburne County

Blaster, (Labor Code 106) in Sherburne County

Pipelayer, (Labor Code 107) in Sherburne, Cottonwood, Lac Qui Parle, Lincoln, Lyon, McLeod, Murray, Nobles, Olmsted, Pipestone, Renville, Rock, Sibley, and Yellow Medicine counties

Tunnel Miner, (Labor Code 108) in Sherburne County

Underground and Open Ditch Laborer, (Labor Code 109) in Sherburne, Brown, Cottonwood, Jackson, Lac Qui Parle, Lincoln, Lyon, McLeod, Martin, Murray, Nobles, Olmsted, Pipestone, Redwood, Renville, Rock, Sibley, Watonwan and Yellow Medicine counties

Survey Field Technician, (Labor Code 110) in Sherburne County

Official Notices

Traffic Control Person, (Labor Code 111) in Sherburne County

Power Equipment Operators Group 1, (Labor codes 501- 503) in Carver County

Heat & Frost Insulators, (Labor Code 701) in Traverse, Grant, Douglas, Big Stone, Stevens, Pope, Todd, Morrison, Stearns, Swift, Lac Qui Parle, Chippewa, Kandiyohi, Yellow Medicine, Lyon, Redwood, Renville, Brown, Watonwan, Martin, Faribault, Blue Earth, Nicollet, Sibley, McLeod, Meeker, Wright, Benton, Sherburne, Mille Lacs, Kanabec, Isanti, Chisago, Anoka, Washington, Ramsey, Hennepin, Carver, Scott, Dakota, Rice, Le Sueur, Goodhue, Wabasha, Waseca, Steele, Dodge, Olmstead, Winona, Freeborn, Mower, Fillmore, Houston and Cottonwood Counties

Iron Workers, (Labor Code 712) in Lac Qui Parle and Mahnomen counties

Asbestos Worker, (Labor Code 729) in Beltrami, Carlton, Clearwater, Cook and Mahnomen counties

Sign Erector, (Labor Code 730) in Stearns and Todd Counties

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 11/07/2016 for;

Heat & Frost Insulators, (Labor Code 701) in regions 5, 6, 7 and 9

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 Natural Resources Notice of Hearing on Vacating a Wildlife Management Area

NOTICE IS HEREBY GIVEN, that pursuant to Minnesota Statutes, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, on **Tuesday, March 21, at 6:30 p.m.**, at the DNR Region 3 Office, located at 1200 Warner Road, St. Paul, Minnesota.

The purpose of the hearing is for public input regarding the sale of state land situated in the County of Washington, and described as:

THE EAST 380.60 FEET OF THE NORTH 786.72 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 15, TOWNSHIP 29 NORTH, RANGE 20 WEST, WASHINGTON COUNTY, MINNESOTA.

Minnesota Statutes, section 97A.135, subd. 2a, requires that a public hearing be held before lands within a Wildlife Management Area can be disposed of. The parcel is currently designated as part of the Bayport Wildlife Management Area.

It is proposed that this parcel of land be transferred to the management of the Division of Ecological and Water Resources, and that it be made a part of the St. Croix Savanna Scientific and Natural Area, which is adjacent to the west of the wildlife management area. This parcel is no longer needed for its present use as a wildlife management area. If, after public hearing, the disposal of the land is in the public interest, the Commissioner of Natural Resources may vacate the parcel from Wildlife Management Area designation.

Questions regarding this proposal can be directed to Martha Vickery, Region 3 Operations Coordinator, Division of Lands and Minerals, at phone: 651/259-5792 or email: martha.vickery@state.mn.us.

Dated: February 24, 2017

Kathy A. Lewis, Assistant Director
Division of Lands and Minerals

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/>

Department of Health

Office of Rural Health and Primary Care

Request for Proposals for Clinical Dental Education Innovations Grants

The Office of Rural Health and Primary Care, the Minnesota Department of Health, is soliciting proposals for grants to sponsoring institutions and clinical dental training sites for projects that increase dental access for underserved populations and promote innovative clinical training of oral health/dental professionals. Approximately \$1.1 million may be available for Fiscal Year 2018. In recent years the average awards have been between \$125,000 and \$150,000. Eligible applicants include institutions that sponsor accredited clinical dental education programs, institutions that sponsor or are developing interdisciplinary clinical training programs that include accredited dental education, clinical training sites that host dental professional students and are currently enrolled as active Medicaid providers, or consortia consisting of members of one or both groups. Potential uses of grant funds include expansion of existing programs with demonstrated success in providing dental services to underserved populations or the development or implementation of new programs designed to improve access for underserved populations and train oral health professionals.

To be considered for funding, proposals must be received by **4:00 p.m., Friday, May 12, 2017** at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101, attention: Keisha Shaw. **Late proposals will not be considered.** A copy of the full Request for Proposal may be obtained at <http://www.health.state.mn.us/divs/cfh/orhpc/grant/home.htm>

For more information contact Keisha Shaw at (651) 201-3860, Email: Keisha.Shaw@state.mn.us

Department of Health

Office of Rural Health and Primary Care

Request for Proposals for Hospital Safety Net Grant Program

The Office of Rural Health and Primary Care, the Minnesota Department of Health, is soliciting proposals for grants to hospitals who serve Emergency Medical Assistance (EMA) enrollees. Approximately \$1.3 Million may be available. Eligible applicants include licensed hospitals which provided care to EMA enrollees resulting in individual claims in excess of \$50,000, between April 1, 2016 and March 31, 2017. Funding will be distributed based on the dollar amount of EMA claims in excess of \$50,000 in relation to the total dollar amount of all applicant claims in excess of \$50,000.

To be considered for funding, proposals must be received by **4:00 p.m., Friday, April 14, 2017**, at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101, and attention: Keisha Shaw. **Late proposals will not be considered.** A copy of the full Request for Proposal may be obtained at <http://www.health.state.mn.us/divs/orhpc/funding/index.html#snhospital>.

For more information contact Keisha Shaw at (651) 201-3860, Email: Keisha.Shaw@state.mn.us

State Grants & Loans

Minnesota Department of Human Services

Mental Health Division

Notice of Application for Mental Health Court Funding

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to operate Mental Health Courts.

Work is proposed to start July 1, 2017. For more information, or to obtain a copy of the Application, contact:

Faye K. Bernstein, MA, JD
Department of Human Services
Adult Mental Health Division
P.O. Box 64981
444 Lafayette Road North, St. Paul, MN 55155-0981
Phone: (651) 431-2230, Fax: (651) 431-7566
faye.bernstein@state.mn.us

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

Proposals submitted in response to this Application must be received at the address above no later than **4:00 p.m., Central Time, March 31, 2017**. An electronic copy of the Application must be submitted to *Faye.Bernstein@state.mn.us*, and a copy with a signed signature page, returned via regular US postal service or by delivery to the above address. **Late proposals will not be considered.**

The Application can be viewed by visiting the Minnesota Department of Human Services RFP web site:
http://www.dhs.state.mn.us/id_000102

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

Minnesota Department of Human Services

Community Partnerships and Child Care Services Division

Notice of Request for Proposals to Provide Services Through the Office of Economic Opportunity's Homeless Assistance Grants

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to provide services through the Office of Economic Opportunity's Homeless Assistance Grants with anticipated availability of Emergency Services Program (ESP), Transitional Housing Program (THP), Homeless Youth Act (HYA), and Emergency Solutions Grants (ESG) funding. Funding under these programs may be used to pay the costs of providing outreach, drop-in center, emergency shelter and services, transitional housing, rapid re-housing, and youth supportive housing for those experiencing homelessness.

Eligible applicants include non-profit organizations, local units of government and tribal governments. The exact amount of available funding may not be known until the end of the 2017 Minnesota Legislative Session. All funds will be awarded through a competitive grant process.

Work is proposed to start July 1st, 2017. Funds will be awarded for a two-year period, ending June 30, 2019. For more information, or to obtain a copy of the Request for Proposal, contact:

Tom Balsley
Department of Human Services
Community Partnerships and Child Care Services Division
Office of Economic Opportunity
P.O. Box 64962
444 Lafayette Road North, St. Paul, MN 55155-0962
Phone: (651) 431-3823
tom.balsley@state.mn.us

State Grants & Loans

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

To be considered for funding under this program, one electronic application and two hard copy applications must be received no later than **4:00 p.m., Central Standard Time, April 14, 2017. Late proposals will not be considered.** Email one electronic application to barb.alt@state.mn.us and mail two hard copies of the application to:

Barb Alt
Department of Human Services
Community Partnerships and Child Care Services Division
Office of Economic Opportunity
P.O. Box 64962
444 Lafayette Road North, St. Paul, MN 55155-0962

The Request For Proposals can be viewed by visiting the Minnesota Department of Human Services RFP web site:
http://www.dhs.state.mn.us/id_000102

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

Minnesota Department of Human Services

Alcohol and Drug Abuse Division

Notice of Request for Proposals to Connect Individuals Releasing from a County or State Correctional Facility to Recovery Support Services and or SUD Treatment

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to Fund up to four projects at \$100,000 per project each year (\$400,000 total each year), totaling \$1.2 Million over three years. Responders will meet the needs of individuals, at reentry, that experience barriers in accessing Substance Use Disorder treatment due to a felony conviction, level 1-3 sexual offense, or other predatory offense.

A Responders' Conference will be held on **March 24, 2017 at 10:00am Central Time** at Roseville Library, 2180 Hamline Ave N, Roseville, MN 55113. The conference will serve as an opportunity for Responders to ask specific questions of State staff concerning the project.

Work is proposed to start on or about July 1, 2017. For more information, or to obtain a copy of the Request for Proposal, contact:

Dianne C Wilson
Department of Human Services
Alcohol and Drug Abuse Division
444 Lafayette Road North, St. Paul, MN 55155
Phone: (651) 431-2024 Fax: (651) 431-7449
Dianne.c.wilson@state.mn.us

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, April 28, 2017. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:
<http://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

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

State Contracts

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

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

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600 \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Minnesota State Colleges and Universities (MnSCU)

Bemidji State University

Notice of Request for Qualification for Public Art for Memorial Hall – College of Business

NOTICE IS HEREBY GIVEN Bemidji State University, Bemidji, MN is seeking qualifications for an artist to create one exterior permanent art installation at Memorial Hall. The public art project will be the creation and installation of a high quality work of art that creates a strong spatial and visual impact outside the building, and enhances and connects to the building's architecture and interior design. The art must reflect the University's mission and purpose including: environmental stewardship, civic engagement and global/multicultural understanding.

The complete RFQ is available on-line by going to http://www.bemidjistate.edu/offices/procurement_logistics/rfps_bids/
Any additional information required can be obtained by calling Karen Snorek at 218-755-2012
or by e-mailing ksnorek@bemidjistate.edu

Qualification submissions are due by **2:00 PM CT on Tuesday, March 21, 2017** by e-mail to Karen Snorek. Zipped-file or PDF format is recommended. Late responses will NOT be considered. Bemidji State University reserves the right to reject any or all proposals and to waive any irregularities in proposals received.

Minnesota State Colleges and Universities (MnSCU)

Minnesota State University, Mankato

Notice of Availability of Request for Proposals (RFP) for a Roofing Design Team for the Minnesota State University, Mankato 2017 Memorial Library Addition Area A Roof Replacement Project

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Minnesota State University, Mankato, is soliciting proposals from interested, qualified consulting roof design firms for the above referenced project.

The Request for Proposals and a copy of the Predesign information is available on the Minnesota State University, Mankato website: <http://www.mnsu.edu/jpurchas/>, Check under "Requests for Proposals."

A Mandatory pre-proposal Project Information Meeting is scheduled for Wednesday, March 15, 2017, at 1:00 pm at Minnesota State University, Mankato, Wiecking Center, Room 221, 415 Malin Street, Mankato, MN 56001. Project questions shall be referred to the appropriate Project Contact person as listed in the Request for Proposals.

Proposals from interested firms must be delivered to Donna Hensel, Facilities Purchasing Coordinator, Wiecking Center, Room 358, 415 Malin Street, Minnesota State University, Mankato, Mankato, MN 56001, not later than **2:00 pm, Thursday, March 23, 2017. Late responses will not be considered.**

Minnesota State Colleges and Universities and Minnesota State University, Mankato are not obligated to complete the proposed project and reserve the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU) Minnesota West Community and Technical College Accepting Sealed Bids for High Frequency Radiographic Equipment

Minnesota West Community and Technical College is accepting sealed bids for High Frequency Radiographic Equipment for use in their Radiologic Technician program.

Detailed specifications regarding the Radiographic Equipment can be obtained by email request to Diana Fliss, Business Manager, at diana.fliss@mnwest.edu.

Responses to this RFB must be received at the location listed below:

Minnesota West Community and Technical College
1011 1st Street West
Canby, MN 56220
Diana Fliss, Business Manager

Deadline for submitting sealed bids is **3:00 pm CST, March 20, 2017**.

Responses to the RFB must be submitted in a sealed envelope.

Late proposals will not be accepted.

The laws of Minnesota and Minnesota State Colleges and Universities Board of Trustees policies and procedures apply to this RFB.

West Community and Technical College reserves the right to reject any or all proposals.

Minnesota State Colleges and Universities (MnSCU) Pine Technical & Community College Formal Request for Proposal for Design and Fabrication of Mobile Welding Classroom/Laboratory

Response Due Date and Time: Friday, March 24, 2017 at 4:00 p.m. Central Time

The complete Request for Proposal will be available on Tuesday March 6, 2017 on the website at <http://www.pine.edu/weldinglab>

Title of Project: Mobile Welding Classroom/Laboratory Trailer

Synopsis of project: Design and fabrication of a 53' drop trailer, with a 35' slideout. This mobile classroom is to be configured with twelve (12) live welding stations, and is to be inclusive of support systems for welding equipment, HVAC (includes; venting for welding equipment and climate control of interior space), ancillary electrical and pneumatic equipment. As part of this RFP, specifications and conceptual drawings are included for design and layout of the interior and exterior of the unit.

Geographic Location Requirements: Pine Technical & Community College, 900 Fourth Street SE Pine City, MN 55063

Responses must be received at the location listed below:

State Contracts

Pine Technical & Community College
Attn: Jason Spaeth, Dean of Continuing Education & Customized Training
900 Fourth Street SE
Pine City, MN 55063

Carl Pederson, Accounting Officer
Phone: (320) 629-4527
E-mail: pedersonc@pine.edu

Contact for questions: Carl Pederson, Phone: (320) 629-4527 e-mail: pedersonc@pine.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. Address all correspondence and inquiries regarding this RFP to the Contact person above. ***This is a request for responses to an RFP and is NOT a purchase order.***

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical & Community College

Formal Request for Proposal for Carpentry House Built on Blocks

Response Due Date and Time: **Friday, April 7, 2017 at 2:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, March 6, 2017 on the website <http://www.sctcc.edu/rfp>.

Title of Project: Carpentry House Built on Blocks

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent, Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctcc.edu

Contact for questions: Susan Meyer, Phone: (320) 308-5973 e-mail: smeyer@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical & Community College

Formal Request for Proposal for Curriculum Development and Instruction: CNC Precision Machining, Machine Programming and Operation

Response Due Date and Time: **Monday, March 20, 2017 at 3:30:00 p.m. Central Time**

The complete Request for Proposal will be available on Monday, March 6, 2017 on the website <http://www.sctcc.edu/rfp>.

Title of Project: Curriculum Development and Instruction: CNC Precision Machining, Machine Programming and Operation.

Geographic Location Requirements: St. Cloud Technical & Community College, 1540 Northway Drive, St. Cloud, MN 56303

Responses must be received at the location listed below:

St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303
Susan Meyer, Purchasing Agent, Room 1-401
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctcc.edu

Contact for questions: Susan Meyer, Phone: (320) 308-5973, e-mail: smeyer@sctcc.edu

Your response to this Request for Proposal (RFP) must be returned sealed. Sealed responses must be received no later than the due date and time specified above. Late responses cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFP.

All attached General RFP Terms and Conditions, Specifications and Special Terms and Conditions are part of the RFP and will be incorporated into any contract(s) entered into as a result of this RFP.

All responses to this RFP must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFP to the Contact person above. This is a request for responses to an RFP and is NOT a purchase order.**

Minnesota State Colleges and Universities (MnSCU)

Winona State University

Request for Proposals for Student Recruitment, Engagement and Communication Campaigns

Notice is hereby given that Winona State University is seeking proposals for **Student Recruitment, Engagement and Communication Campaigns**. Proposal specifications are available by contacting Laura Mann, Purchasing Director, PO Box 5838, 106 Somsen Hall, Winona, MN 55987 or via email to lmann@winona.edu.

Sealed proposals must be received by Laura Mann, Purchasing Director, at Winona State University, PO Box 5838 or 175 West Mark Street, Business Office, Somsen Hall 106, Winona, MN 55987, by **Monday, March 20, 2017 at 3:00 pm CST**.

Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

State Contracts

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/vendors.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

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

Response Delivery

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

Department of Management and Budget

Notice of Request for Proposals for Major Revenue/Deposit Banking Services and Merchant Card Services and Pre-Paid Debit Card Programs as administered by the Department of MMB; the Unemployment Insurance Banking Services as Administered by the Department of Employment and Economic Development and Custodial Services for Investment Purposes as Administered by the State Board of Investment

The Department of Management and Budget (MMB), the Department of Revenue, the Department of Employment and Economic Development (DEED), and the Minnesota State Board of Investment (SBI) are seeking proposals from financial institutions to establish banking relationships for the purpose of:

1. expediting, processing and collection of various items for one hundred fifty six (156) Major Revenue/Deposit accounts and one hundred thirty three subaccounts (133). Processing and collection includes 185,000 checks deposited and 1.1 million ACH transactions monthly as administered by MMB;
2. providing Statewide Merchant Acquiring Services (Credit Card Processing) for 384 merchant card accounts;
3. expediting, processing and collection of various items for the State's Unemployment Compensation Fund as administered by DEED, including a debit card program for Unemployment Insurance Benefit applicants; and
4. providing custodial services used for investment purposes for the securities clearing account as administered by SBI.

To receive a complete Request for Proposal and background information, please call or write:

Susan E. Gurrola
MMB – Debt Management Division
658 Cedar Street – 4th Floor
St. Paul, MN 55155
(651) 201-8046
email - sue.gurrola@state.mn.us

NOTE: Details concerning submission requirements, including due dates are included in the Request for Proposal. No other Minnesota Department of Management and Budget personnel are authorized to discuss the project with responder before the submittal of the proposal.

Responses are due by **1:00 pm CT on May 1, 2017**.

Public Employees Retirement Association (PERA) Request for Proposals for Actuarial Services

The Public Employees Retirement Association (PERA) requests proposals from qualified actuarial consulting firms interested in providing a range of actuarial services while functioning as actuarial advisor to PERA's Board of Directors, Executive Director, and staff. The firm awarded the resulting contract will provide various actuarial services which include consultation and advisory services, actuarial valuation services, experience studies, and other general duties. This request for proposal (RFP) complies with Minnesota Statutes, Chapter 16C, and Minnesota Statutes Section 353.

The goal of this RFP is to evaluate and select an actuarial firm who will serve as consulting actuary to PERA's Board of Directors and Executive Director for a 24-month period commencing July 1, 2017 and ending June 30, 2019. The resulting contract may be extended beyond the initial two-year term in one year increments at a price mutually agreed upon by both parties; however, the number of one-year extensions may not exceed three.

To receive the RFP, or for Responders who have any questions regarding this RFP contact:

Mike Hagerty, CFO, Public Employees Retirement Association
60 Empire Drive, Suite 200
St. Paul, MN 55103
Email: mike.hagerty@mnpera.org
Telephone: (651) 201-2641

State Contracts

Responses to this RFP must be received at the address above no later than **Tuesday, March 28, 2017 at 3:00 CT**. Late proposals and proposals received in any way other than that described in the RFP 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 the solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

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

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

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

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. - Mail Stop 680
St. Paul, MN 55155

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities and Taxpayers’ Transportation Accountability Act Notices

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT’s Consultant Services **website** at: www.dot.state.mn.us/consult

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

Notice of Request for Proposal (RFP) For Guardianship and Conservatorship Services

Notice is hereby given that Dakota County, through its Social Services Department, seeks proposals for guardianship/conservatorship services for persons who have been determined incapacitated (Reference: M.S. 524.5 – Minnesota Uniform Guardianship Protective Proceedings Act.) Services will be funded by Dakota County Social Services if the ward or protected person is indigent.

Overall, the ongoing responsibilities of the guardian or conservator include (from Minnesota Guardianship and Conservatorship Manual, Minnesota Judicial Branch Published by Minnesota Conference of Chief Judges <http://www.mncourts.gov/selfhelp/?page=1207>):

- To carry out duties and responsibilities granted to them by the court.
- To abide by any restrictions, either by statute or court order, placed on their powers.
- To maintain a current understanding of the needs of the ward or protected person.
- To seek out services and benefits/entitlements which the ward or protected person may need or is eligible for and ensure that the ward or protected person receives all services and benefits/entitlements to which he or she is entitled.
- The ward or protected person, and interested persons of record with the court, are to be notified annually in writing of the right to have the guardianship or conservatorship modified or terminated, or request other appropriate relief.

To access the complete RFP online, or to acquire additional information about Dakota County visit our website at: <http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

Contact: Loni Aadalen, Contract Specialist
Dakota County Community Services Division
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773
Phone: 651-554-5893
Email: loni.aadalen@co.dakota.mn.us

Loni Aadalen, **will accept written questions until Wednesday, March 15** from 10:30 a.m. to 11:30 a.m. (CDT) in Conference Room 370 at the address listed above or via e-mail at loni.aadalen@co.dakota.mn.us. See proposal for details.

Deadline for proposals is **12:00 p.m. on Friday, March 24, 2017**. No late proposal will be considered.

Non-State Public Bids, Contracts & Grants

Hennepin County

Hennepin County Staff Consultant Selection Group Advertisement for A/E Services

The Hennepin County Staff Consultant Selection Group will be selecting architectural/engineering firms for design and construction administration services for the following project:

- Hennepin County Government Center Elevator & Escalator Modernization Project

To obtain a Request for Proposal, please access the Hennepin County internet site at www.hennepin.us. From the County home page, search for "DSC" in the search box in the middle of the page. From the Hennepin County Designer Selection Committee page, you may view and print the Letter of Interest (LOI).

Only through registering your interest will your firm receive information on the RFP. If you experience difficulty locating or downloading the LOI, you may call Adam Sobiech, Hennepin County Facility Services, at 612-348-3172.

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2017 Landside Pavement Rehabilitation

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2017 Landside Pavement Rehabilitation
MAC Contract No.: 106-3-559
Bids Close At: 2:00 p.m. on Tuesday, March 14, 2017

Notice to Contractors

Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for concrete pavement rehabilitation, concrete walk and concrete curb and gutter reconstruction, concrete joint repair, storm sewer casting replacements and repair, and gutter repair on at the Minneapolis-St. Paul International Airport.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?gsp-CODE_RED and choose this and other topics about which you are interested.

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

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

Availability of Bidding Documents

Bidding documents are on file for inspection at the office of Kimley-Horn and Associates Inc.; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete digital set at <http://www.questcdn.com>. Bidders may download the complete set of digital bidding documents for \$50.00 by entering eBidDoc™ #4865333 in the "Search Projects" page. Contact Quest Construction Data Network at 952-233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on February 27, 2017, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2017 Pavement Joint Sealing

Project Location: Minneapolis-St. Paul International Airport
Project Name: 2017 Pavement Joint Sealing
MAC Contract No. 106-1-284
Bids Close At: 2:00 PM on March 14, 2017

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for concrete surface repairs and re-sealing of pavement joints and cracks in concrete pavements and bituminous shoulders at Minneapolis-St. Paul International Airport.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?qsp=CODE_RED and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 15%.

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 Minnesota Builders Exchange, Dodge Data and Analytics, 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; PH: 651.292.4400; FX: 651.292.0083. Make checks payable to: TKDA. Deposit per set (refundable): \$50. 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 February 27, 2017, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

Minnesota's Bookstore

Several convenient ways to order:

- **Retail store** Open 8 a.m. - 3 p.m. Monday - Friday, 660 Olive Street, St. Paul
- **Phone** (credit cards): 8 a.m. - 4 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:** 711
- **Fax** (credit cards): 651.215.5733 (fax line available 24 hours)
- **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

Minnesota's Bookstore accepts VISA, MasterCard, American Express & Discover for all purchases.

PREPAYMENT REQUIRED. Prices and availability subject to change. Fax and phone orders require credit card.

Please allow 1-2 weeks for delivery. For mail orders, complete order blank and send to address above.

Enclose payment - for security reasons, we do not recommend mailing credit card information.

Please allow 2-3 weeks for delivery.

Please make checks payable to "Minnesota's Bookstore."

A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

Company:		
Name:		
Street Address: <small>(Not deliverable to P.O. boxes)</small>		
City:	State:	Zip:
Daytime phone: () <small>(In case we have a question about your order - please include area code)</small>		

For security reasons, we recommend that you call to place a credit card order.

Credit card number:	
Expiration date:	3- or 4- digit security code: <small>(found on back of card)</small>
Signature:	

Shipping Charges	
If Product	Please
Subtotal is:	Add:
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$500.00	\$ 17.00
\$500.01-\$1,000	\$ 22.00*
<small>*\$22 to an address in MN, WI, SD, ND, IA.</small>	
<small>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 _____
(see chart at left)

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# _____

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