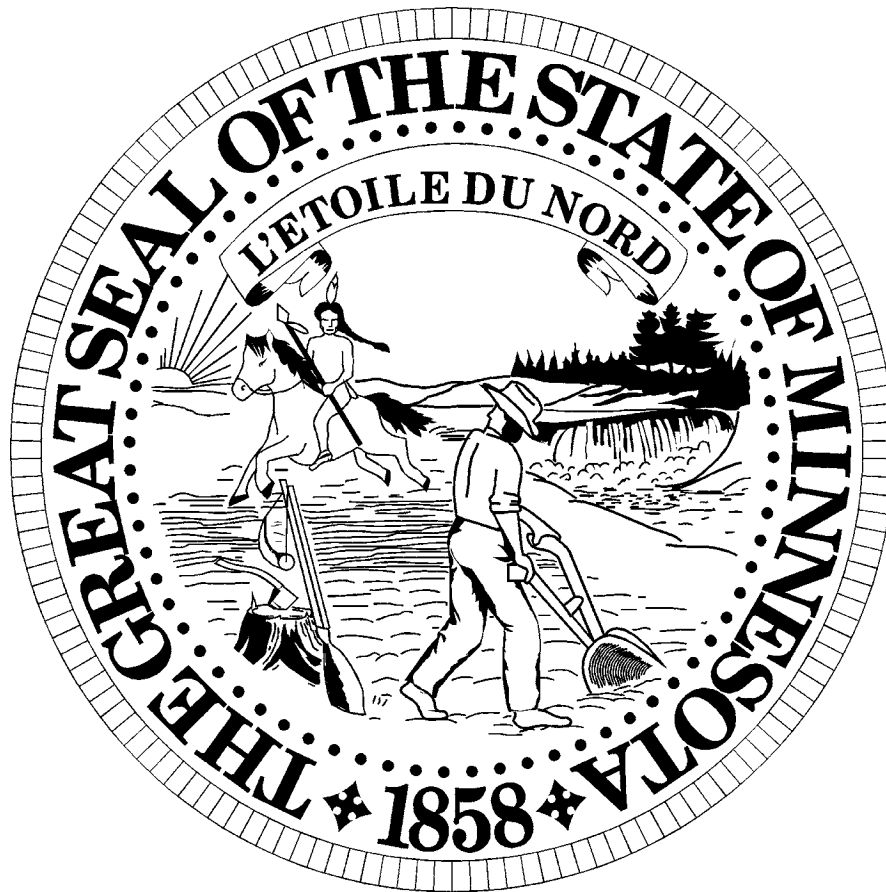


# Minnesota State Register

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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 4 February 2019  
Volume 43, Number 32  
Pages 927 - 944**

# 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- Withdrawn Rules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. 43 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> 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)
# 33	Monday 11 February	Noon Tuesday 5 February	Noon Thursday 31 January
# 34	Tuesday 19 February	Noon Tuesday 12 February	Noon Thursday 7 February
# 35	Monday 25 February	Noon Tuesday 19 February	Noon Thursday 14 February
# 36	Monday 4 March	Noon Tuesday 26 February	Noon Thursday 21 February

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### Minnesota Legislative Information

#### Senate Public Information Office

(651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
<http://www.senate.mn>

#### Minnesota State Court System

Court Information Office (651) 296-6043  
MN Judicial Center, Rm. 135,  
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<http://www.mncourts.gov>

#### House Public Information Services

(651) 296-2146  
State Office Building, Room 175  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

#### Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
U.S. Government Printing Office – Fax: (202) 512-1262  
[http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the State Register, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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(Rules Appearing in Vol. 43 Issues #1-26 are in Vol 43, #26 - Monday 24 December 2018)

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# Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, 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 Gambling Control Board

### NOTICE OF HEARING for Proposed Amendment to Rules Governing Lawful Gambling, Primarily Lawful Gambling Electronic Games, Sports-Themed Tipboards, and Other Changes

**Proposed Amendment to Rules Governing Lawful Gambling, Primarily Lawful Gambling Electronic Games, Sports-Themed Tipboards, and Other Changes; Minnesota Rules, Chapters 7861, 7863, and 7864; Repealing Minnesota Rules, part 7861.0210, subpart 33a; Revisor ID # RD4555; OAH docket number 60-9017-35616**

**Public Hearing.** The Minnesota Gambling Control Board intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, Minnesota Statutes, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules at 1711 West County Road B, Suite 300 South, Roseville, Minnesota, starting at 9:00 a.m. on Friday, March 8, 2019, until time hearing ends. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge James E. LaFave will conduct the hearing. Judge LaFave’s Legal Assistant Ian Lewenstein can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7900, and fax (651) 539-0310 or [ian.lewenstein@state.mn.us](mailto:ian.lewenstein@state.mn.us). The rule hearing procedure is governed by Minnesota Statutes, sections 14.131 to 14.20,

# Proposed Rules

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and by the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are primarily about lawful gambling electronic games, sports-themed tipboards, and other changes, and repeal Minnesota Rules, part 7861.0210, subpart 33a (definition of local server).

The proposed rules improve the integrity of lawful gambling. Some of the proposed rule changes are focused on the conduct of lawful gambling electronic gaming and provide additional clarity in terms of strengthening the standards for the operation of this lawful gambling format, including the repeal of using local servers (which are not a required component) at permitted lawful gambling sites. The proposed rules also limit some of the graphic animations involved with electronic games, animations that could be viewed as mimicking a slot machine which is prohibited for electronic pull-tab devices. Additionally, there are modifications to the rules covering (paper) tipboard games with specific focus for allowing the winning chances to be based on a professional sporting event as allowed under the laws of Minnesota 2012 (Minnesota Laws 2012, Chapter 299). There are some other changes, such as standardizing definitions to help bring uniformity and additional clarity and improve the integrity of operations.

The proposed rules are authorized by Minnesota Statutes, Section 349.151, subdivision 4, paragraph (a), clauses (5) and (20); subdivision 4e; and subdivision 13.

A free copy of the rules is available from the agency contact person and is also available on the Board's website at <http://www.mn.gov/gcb/assets/rd4555.pdf>. The agency contact person is Peggy Mancuso at Minnesota Gambling Control Board, 1711 West County Road B, Suite 300 South, Roseville, MN 55113; phone (651) 539-1951; fax (651) 639-4032; [peggy.mancuso@state.mn.us](mailto:peggy.mancuso@state.mn.us).

**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 available on the agency's website at <http://www.mn.gov/gcb/assets/sonar.pdf> or from the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>. All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

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

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

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially

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# Proposed Rules

different from 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 agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

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

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

Date: January 22, 2019

Tom Barrett, Executive Director  
Minnesota Gambling Control Board

## 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 Health

### Division of Health Regulation – Managed Care Systems Section

#### Notice of Application for Essential Community Provider Status

**NOTICE IS HEREBY GIVEN** that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by Community Care Clinics of Minnesota. Clinical services are offered at 2800 Chicago Avenue, Suite 100, Minneapolis; and 920 East 28th Street, Suite LL40, Minneapolis.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Anne Kukowski  
Managed Care Systems Section  
Division of Health Regulation  
Minnesota Department of Health  
P.O. Box 64882  
St. Paul, MN 55164-0882  
651-201-5173

# Official Notices

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## Department of Health

### Division of Health Regulation – Managed Care Systems Section

#### Notice of Application for Essential Community Provider Status

NOTICE IS HEREBY GIVEN that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by Mahube-Otwa Community Action Partnership, Inc. Clinical services are offered at Mahube-Otwa Community Action Partnership, Inc., 1125 West River Road, Detroit Lakes, Minnesota 56502; Family Health, 119 Graystone Plaza, Detroit Lakes, 56501; Family Health, 128 West Cavour Avenue, Fergus Falls, 56537; Family Health, 200 1st Avenue South, Perham, 56753; Family Health, 311 Jefferson Street South, Wadena, 56482; CentraCare, 50 CentraCare Drive, Long Prairie, 56347; Family Center, 245 Barclay Avenue, Pine River, 56474; Stearns County Public Health, 10 East Highway 28, Morris, 56267; and University of Minnesota Morris, 600 East 4th Street, Morris 56267.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Anne Kukowski  
Managed Care Systems Section  
Division of Health Regulation  
Minnesota Department of Health  
P.O. Box 64882  
St. Paul, MN 55164-0882  
651-201-5173

## Minnesota Higher Education Facilities Authority

### Notice of Public Hearing on Revenue Obligations

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the “Authority”) with respect to a proposal to issue revenue bonds or other obligations on behalf of the University of St. Thomas (the “University”), as owner and operator of University of St. Thomas, at the Authority’s office at 380 Jackson Street, Suite 450, St. Paul, Minnesota on **February 20, 2019, at 2:00 p.m.**

Under the proposal, the Authority would issue its revenue bonds or other obligations in one or more issues or series in an original aggregate principal amount of up to approximately \$95,000,000 to finance a project (the “Project”) consisting of site preparation (including demolition of existing buildings) for and design, acquisition, construction, improvement and equipping of new undergraduate student housing on the University’s St. Paul, Minnesota, campus, specifically, a five-story, approximately 480-bed pod-style dormitory building with a dining hall and approximately 125 underground parking spaces, on the site of the existing John Paul II residence hall (to be demolished), and a five-story, suite-style residence hall for approximately 200 students with a community kitchen and approximately 100 underground parking spaces, on the site of the existing Faculty Residence apartments (to be demolished). The Project may also include renovation of certain other existing undergraduate student resident facilities on the University’s St. Paul campus.

All the facilities and improvements to be financed by the Project are or will be owned and operated by the University. The principal street address of the University’s St. Paul campus is 2115 Summit Avenue, St. Paul, Minnesota.

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

Dated: February 4, 2019

By Order of the  
Minnesota Higher Education Facilities Authority  
Barry W. Fick, Executive Director



## Department of Employment and Economic Development, Minnesota Housing and Department of Human Services Notice of Public Hearings for the State of Minnesota 2019 Housing and Community Development Annual Action Plan (Action Plan)

The State of Minnesota is developing its annual Action Plan for 2019 and encourages citizen and community participation in its development.

The state annually submits an Action Plan to the U.S. Department of Housing and Urban Development (HUD) in order to receive federal housing and community development funding through the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grants, Housing Opportunities for Persons with AIDS programs, and the national Housing Trust Fund (HTF). This Action Plan reflects year three of the state's 2017-2021 Consolidated Plan which examines the housing and community development needs of the state, and sets priorities for allocating HUD funds.

The state will hold its first public hearing about the Action Plan on **Thursday February 21, 2019**, to gather community input on housing and community development needs and how federal funding should be allocated in the state. This hearing will be held at 4:00 PM at the Minnesota Department of Human Services, Room 1240, 444 Lafayette Road, St. Paul. Free parking is available in parking lot C adjacent to the building.

A second public hearing on the Action Plan will be held on **Tuesday, May 7, 2019**, for review and comment on the draft Action Plan, which will be available for public review and comment beginning April 10, 2019. The draft Action Plan will be available at <http://www.mnhousing.gov> and <http://mn.gov/deed/government/financial-assistance/community-funding/>. This hearing will be held at 4:00 PM at the Minnesota Housing Finance Agency, 400 Wabasha Street, Suite 400, St. Paul. Limited free guest parking is available in the adjacent Treasure Island Center garage, enter from 6th Street.

Comments on the draft Action Plan will be accepted until close of business **May 9, 2019**. Written public comments should be submitted to: Action Plan, Attn: Michelle Vang; Minnesota Department of Employment and Economic Development; First National Bank Building; 332 Minnesota Street, Suite E200; St. Paul, MN 55101-1351; or by email to [michelle.vang@state.mn.us](mailto:michelle.vang@state.mn.us). Hard copies of the Action Plan can be obtained by calling Michelle Vang, (651) 259-7504 or 1-800-657-3858, or by TTY 1-800-282-5909.

The State will consider any comments from individuals or groups received in writing or at public hearings. A summary of the written and public hearing comments on the Action Plan and the State's responses will be included in the final Action Plan. The Action Plan and, if necessary, substantial amendment, will be submitted to HUD after HUD notifies the State of its fiscal year 2019 allocations.

## Minnesota Pollution Control Agency (MPCA) Watershed Division

### Notice of Availability of the Draft Minnesota River *E. coli* Total Maximum Daily Load (TMDL) for the Minnesota River Basin and Request for Comment

**Public comment period begins: February 4, 2019**

**Public comment period ends: 4:30 on March 6, 2019**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the Minnesota River *E. coli* TMDL for the Minnesota River Basin. The draft report is available for review at:  
<https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects>

# Official Notices

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The Lower Minnesota River Watershed spans 1,835 square miles from east central Renville County to southwestern Ramsey County, encompassing a majority of Sibley, Le Sueur, Scott, and Carver counties, and portions of McLeod, Nicollet, Rice, Dakota, and Hennepin counties. Several metro cities make up the northeast portion and extensive cropland comprises much of the remaining areas. Many lakes and streams of this watershed were addressed. The main stem of the Minnesota River is not specifically addressed in this project. The subject pollutants included sediment, phosphorus, *E. coli* bacteria and chloride.

Written comments on the draft report must be sent to the MPCA contact person listed below by March 6, 2019 by 4:30 p.m. The MPCA will prepare responses to comments received and make any necessary revisions to the document.

Subsequent to the revision(s), the draft TMDLs will be submitted to the EPA for approval.

The TMDL Report focuses on pollution caused by fecal coliform and *E. coli*. The TMDL Report is a scientific study that calculates the maximum amount of a pollutant that a water body can receive (known as the "loading capacity") without exceeding water quality standards.

The Minnesota River *E. coli* TMDL is located in the Minnesota River Basin.

**Agency contact person:** Written comments and requests for more information should be directed to:

Scott MacLean  
Watershed Division  
Minnesota Pollution Control Agency  
12 Civic Center Plaza, Suite 2165  
Mankato, MN 56001  
Phone: 507-344-5250  
Email: [scott.macleam@state.mn.us](mailto:scott.macleam@state.mn.us)  
MPCA website: <http://www.pca.state.mn.us/water/tmdl>

**Preliminary determination on the draft Minnesota River *E. coli* TMDL:** The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft report is available for review at the MPCA office at the address listed below and at the MPCA Website: <https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects>. Suggested changes will be considered before the TMDL Report is sent to the EPA for approval.

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

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

**Petition for public informational meeting:** You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that may be held to solicit public comment and statements on matters before the MPCA, and help clarify parts of the document and resolve issues. A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written comments," identified above;
3. A statement of the reasons for holding a public informational meeting; and
4. The issues that you would like addressed at the public informational meeting.

**Petition for contested case hearing:** You also may submit a petition for a contested case hearing. A contested case hearing is a formal hearing before an administrative law judge that provides evidence on issues requested to be change. In accordance with Minn. R. 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft TMDL Report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision. A petition for a contested case hearing must include the following information:

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

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

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

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

## 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 Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/>

## 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](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

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

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements: \$0 - \$5,000 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.

## Department of Administration Notice of Contract Opportunity for Bicycle and Scooter Rental Services

**PROJECT NAME:** Bicycle and Scooter Rental Services

**DETAILS:** The Minnesota Department of Administration is requesting proposals to offer tenants and visitors an opportunity to rent scooters and bicycles as a means of alternative transportation while traversing Capitol complex.

Work is anticipated to start after April 15, 2019.

**COPY REQUEST:** Requests for Proposals will be available through February 25, 2019. To get a copy of the Request for Proposals, you may pick up a copy from our office at the address below or send a written request by email, to:

Anne Johnson  
Transportation Coordinator  
Facilities Management Division  
50 Sherburne Avenue, Room G10  
St. Paul, MN 55155  
Email: [Anne.johnson@state.mn.us](mailto:Anne.johnson@state.mn.us)

**PROPOSAL DEADLINE:** Proposals submitted in response to the Request for Proposals in this advertisement must be received in Facilities Management by mail or hand delivery to the above address no later than **4 PM on March 22, 2019. Late proposals will not be considered.** Email and faxed 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.

## Department of Administration Real Estate and Construction Services Notice of Availability of Request for Qualifications (RFQ) for Construction Manager at Risk for Capitol Complex – Physical Security Upgrades

NOTICE IS HEREBY GIVEN that the State of Minnesota Department of Administration, represented by Real Estate and Construction Services Division (RECS), is seeking Construction Manager at Risk services for the Capitol Complex - Physical Security Upgrades Project, St. Paul, MN.

A full Request for Qualifications is available on the Department of Administration's Virtual Plan Room at <http://www.ipdservices.com/clients/MMD/>, with the Project Name "CMRisk Capitol Complex - Physical Security Upgrades RFQ – (RECS#02CP0107)" and may be downloaded for a fee of \$7.00. To be considered for selection and a contract, responses must be submitted by the date and time indicated in the RFQ.

A mandatory informational meeting is tentatively scheduled for Tuesday, February 19, 2019 at 9:00 a.m. C.S.T. Project questions will be taken by Talia Landucci Owen at [talia.landucci-owen@state.mn.us](mailto:talia.landucci-owen@state.mn.us). Questions regarding this RFQ must be received by Monday, February 25, 2019 at 3:00 p.m. C.S.T.

Responses must be received by the Real Estate and Construction Services, Department of Administration, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, Attn.: Talia Landucci Owen, no later than **Monday, March 11, 2019 by 12:00 noon C.S.T.** Late responses will not be accepted.

The Department of Administration, Real Estate and Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Minnesota Department of Agriculture Division of Pesticide and Fertilizer Management Notice of Contract Opportunity for Southeast Minnesota Groundwater Video

**Project Name: Southeast Minnesota Groundwater Video**

**Details:** The Minnesota Department of Agriculture (MDA) requests proposals to create a narrated educational video and graphics illustrating how groundwater moves in southeast Minnesota. High definition, three-dimensional computer generated imagery will be combined with high resolution photographs and aerial imagery to help communicate groundwater movement and how water soluble contaminants could be transported to streams and drinking water wells.

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Vendors must demonstrate the ability to animate complex information into easy to understand three-dimensional computer generated imagery, three-dimensional animations and educational videos. Preferred vendors will have experience working with geologists and hydrogeologists conveying geoscientific schematics into three dimensional graphics and animations i.e. stratigraphic cross sections and profiles.

Work is anticipated to start May 15, 2019.

**Copy Request:** To get a copy of the RFP, please send a written request, by email to:

Jen Schaust  
Environmental Outreach Coordinator  
Email: [Jen.Schaust@state.mn.us](mailto:Jen.Schaust@state.mn.us)

**Proposal Deadline:** Proposals submitted in response to the RFP in this advertisement must be received no later than **3:00 p.m. Central Time on Friday February 25, 2019. Late proposals will not be considered.** Hard copy is acceptable but digital delivery via email is preferred.

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.

## Department of Health Women, Infants & Children Program (WIC) Notice of Contract Opportunity for Program Participant Centered Services (PCS) Training

**PROJECT NAME:** Minnesota Women, Infants & Children (WIC) Program Participant Centered Services (PCS) Training

**DETAILS:** The Minnesota Department of Health WIC Program is requesting proposals for the purpose of supporting the expansion of PCS across all MN WIC Local Agencies. This proposal is to offer training to both new staff and enhance the skills of staff previously trained in PCS. The training is to be enduring and available via our website with continuing education credits provided for WIC staff. The contract includes the following tasks:

**1. The Contractor will develop, present and provide a series of four webinars as outlined to local WIC staff to develop and enhance the use of PCS skills and strategies.**

**Activities:** Develop and implement a series of four webinars, with content relevant to staff in different roles. Potential groups/audiences include nutrition staff/Competent Professional Authority and PCS mentors. Webinars will be one-hour in length, on a format outlined by MDH WIC, with one presented each quarter and recorded. Each webinar will focus on one specific topic or theme relevant to that group. Written materials will accompany each webinar for local agency use at staff meetings. The materials will enhance staff knowledge and promote skill development with 10-20 minutes of activities relate to webinar content.

Minnesota state WIC staff, in consultation with the contractor, will determine the topics for the webinars.

**2. The Contractor will develop a series of four online training courses covering baseline PCS Skills.**

**Activities:** Training courses will be one hour in length and focus on the basic skill set needed to conduct nutrition assessment and education using a participant-centered approach. The self-paced online courses will include narration, video clips depicting real interactions with participants, and interactive components. Topics will include participant-centered assessment and counseling skills, evoking and building motivation for change, goal setting strategies and effective information sharing.

3. **The Contractor will develop a training course to help advance local agency staff understanding and skills in PCS.**

Work is anticipated to start after March 15, 2019.

**COPY REQUEST:** To get a copy of the Request for Proposals, please send a written request, by mail, to:

Rebecca Gruenes  
MDH WIC Program  
Nutrition & Clinic Services Unit Supervisor  
PO Box 64882 St. Paul MN 55164-0882  
*rebecca.gruenes@state.mn.us*

**PROPOSAL DEADLINE:** Proposals submitted in response to the Request for Proposals in this advertisement must be received by mail no later than **March 4, 2019**. **Late proposals will not be considered.** Faxed proposals will **not** be considered.

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

## Minnesota Historical Society (MNHS)

### Request for Proposals for Fire & Security System Replacement at the James J Hill House

The Minnesota Historical Society (MNHS) is soliciting proposals from qualified consultants to work collaboratively with MNHS to assess the current fire and security system, design a replacement system that fulfills MNHS requirements, prepare construction documents and cost estimates for the proposed system, assist in construction bidding, and construction administration for the installation of the new system. This is a Jobs Reporting project.

The Request for Proposal is available by contacting Mary Green Toussaint, Contract Manager, Minnesota Historical Society, by e-mail only: *mary.green-toussaint@mnhs.org*

There will be a **MANDATORY** pre-bid meeting for all interested parties on **Tuesday, February 12th, 2019 at 1:00 PM CST** at the Site, at James J Hill House, which is located at located at, 240 Summit Avenue, St Paul MN 55102

Proposals must be received by Mary Green Toussaint, MNHS Contract Manager, or her agent by **2:00 P.M. Local Time on Tuesday, March 5 2019**. **Late proposals will not be accepted.** Authorized agents for receipt of proposals are staff located at the Information Desk on the 1st floor of the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102.

## 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:

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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 <https://www.mnlottery.com/vendors/> 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  
Tel. (651) 635-8230  
(888) 568-8379 ext. 230 (toll-free)  
Fax: (651) 297-7496  
TTY: (651) 635-8268  
*Jason.LaFrenz@mnlottery.com*

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

## Response Delivery

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



## Minnesota Department of Transportation (MnDOT) Engineering Services Division Notices Regarding Professional/Technical (P/T) Contracting

**P/T Contracting Opportunities:** MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. 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.

**Taxpayers' Transportation Accountability Act (TTAA) Notices:** MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

**MnDOT's Prequalification Program:** MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

**MnDOT Consultant Services website:** [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

## 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/>.

## Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2019 Parking Structure Rehabilitation

**Airport Location:** Minneapolis-St. Paul International Airport  
**Project Name:** 2019 Parking Structure Rehabilitation  
**MAC Contract No.:** 106-3-593  
**Bids Close At:** 2:00 p.m., Tuesday, February 19, 2019

**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 miscellaneous repairs and maintenance to the parking structure facilities at Terminal 1-Lindbergh and Terminal 2-Humphry at the Minneapolis-St. Paul International Airport.

# Non-State Public Bids, Contracts & Grants **==**

**Note:** You can sign up on our website ([www.metroairports.org](http://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](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 Targeted Group Businesses on this project is 5%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the MAC in the 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. 767 Eustis Street, Suite 100, St. Paul, MN 55114; 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™ #6077028 in the "Search Projects" page. Contact Quest Construction Data Network at 952-233-1632 or [info@questcdn.com](mailto: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 January 28, 2019, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).



## 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 (nation-wide toll-free)
- **On-line orders:** [www.mnbookstore.com](http://www.mnbookstore.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.