

Minnesota State Register

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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

**Tuesday 12 November 2019
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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- Withdrawn Rules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. 44 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)
# 21	Monday 18 November	Noon Tuesday 12 November	Noon Thursday 7 November
# 22	Monday 25 November	Noon Tuesday 19 November	Noon Thursday 14 November
# 23	Monday 2 November	Noon Monday 25 November	Noon Thursday 21 November
# 24	Monday 9 December	Noon Tuesday 3 December	Noon Thursday 28 November

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<https://www.senate.mn/>

Minnesota State Court System

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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

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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

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U.S. Government Printing Office – Fax: (202) 512-1262
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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 #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. 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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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 Pollution Control Agency (MPCA)

Proposed Permanent Rules: State Disposal System Permits and Sewage Treatment Systems; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More People Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor’s ID Number R-04478

Proposed Amendments to Rules Governing Subsurface Sewage Treatment Systems (SSTS) Inspections and Permit Requirements, *Minnesota Rules* chapters 7081 and 7082

Overview. This notice is the Minnesota Pollution Control Agency’s (MPCA) legal notice of its intent to adopt amendments to rules governing SSTS inspections and permit requirements. The purpose of these rule amendments, known as the “SSTS Inspections and Permit Requirements rulemaking,” is to clarify when a State Disposal System (SDS) permit is required rather than a local permit, and when tank pumping is required for completion of a compliance inspection on an existing SSTS.

This notice provides an opportunity for public comment and input on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment or a written request for a hearing on the proposed rules by the deadline identified below. The **Subject of Rules** section provides further description of these proposed rules.

Proposed Rules

If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

View the **Alternative Format/Accommodation** and **MPCA Contact Person** sections of this notice for information on requesting this document in an alternative format.

Introduction. The MPCA intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), *Minnesota Rules* parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. However, if 25 or more parties submit a written request for a hearing on the rules using the process described in the **Request for a Hearing** section, the MPCA will hold a public hearing at the MPCA office locations listed below starting at 3:30 PM on January 8, 2020.

- MPCA-Brainerd: 7678 College Road, Suite 105, Baxter, MN 56425
- MPCA-Detroit Lakes: 714 Lake Avenue, Suite 220, Detroit Lakes, MN 56501
- MPCA-Duluth: 525 Lake Avenue South, Suite 400, Duluth, MN 55802
- MPCA-Mankato: 12 Civic Center Plaza, Suite 2165, Mankato, MN 56001
- MPCA-Marshall: 504 Fairgrounds Road, Suite 200, Marshall, MN 56258
- MPCA-Rochester: 18 Wood Lake Drive SE, Rochester, MN 55904
- MPCA-St. Paul: 520 Lafayette Road North, St. Paul, MN 55155

Hearings will be held and continue until all parties are heard or until the Administrative Law Judge (ALJ) adjourns the hearing. To find out whether the MPCA will hold the hearing or adopt the rules without a hearing, you should contact the MPCA contact person after December 23, 2019, and before January 8, 2020.

The MPCA will hold the hearing simultaneously at the locations listed above. The ALJ will conduct the hearing from the St. Paul location. MPCA staff will be present at all hearing locations to facilitate the process and to ensure that all parties attending will be able to see, hear, and speak during the hearing.

Directions to the hearing locations may be found on the MPCA's website at <https://www.pca.state.mn.us/about-mpca/mpca-offices> or by contacting the MPCA contact person identified in this Notice. Please note access to the MPCA offices is controlled. To attend a hearing you will be asked to sign in at the security desk.

Subject of Rules. The proposed rules are about permit and inspection requirements governing SSTS. Under existing rules, a facility can measure its actual wastewater flows or use "table values"—values stated in rule for various types and sizes of facilities—to design a new SSTS. However, in circumstances where the measurements taken show a flow less than the 10,000-gallon-per-day (gpd) permit threshold but table values indicate a flow greater than 10,000 gpd, an SDS permit would still be required. The revisions the MPCA is considering would modify the rules to allow an existing facility to use measured values to determine permit requirements, as well as a few other modifications that capture the actual wastewater flows introduced to the environment more accurately.

The MPCA is also considering changes to wording in the SSTS rules to require that a septic tank be pumped empty before an official inspection determining its integrity. The revisions under consideration will require the tank to be inspected through a maintenance hole while empty, with the following exceptions:

1. If an inspector knows ahead of time that a particular septic tank is not going to pass inspection for any reason, then pumping the tank is not required. However, a tank can only pass an inspection if it was inspected while empty; or
2. A tank may pass inspection without first being pumped if there is a tank integrity inspection report available that shows the tank has passed inspection (with the tank empty) within the past 3 years.

Comments. You have until **4:30 p.m. on December 23, 2019**, to submit written comments in support of or in

Proposed Rules

opposition to the proposed rules or any part or subpart of the rules.

Submit written comments to:

1) The Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>; or

2) OAH Legal Assistant Lisa Armstrong, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7888, fax 651-539-0310, and lisa.armstrong@state.mn.us.

You may view frequently asked questions about the OAH Rulemaking eComments website at https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf. Any questions about submitting comments via the Rulemaking eComments website should be directed to the OAH at 651-361-7900. Comments received are public and will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com> and at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the MPCA hold a hearing on the rules. You have until **4:30 p.m. on December 23, 2019**, to submit your written request for a hearing to:

1) The Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>; or

2) OAH Legal Assistant Lisa Armstrong, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7888, fax 651-539-0310, and lisa.armstrong@state.mn.us.

You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the MPCA cannot count it when determining whether to 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.

You may direct questions on the use of the OAH's Rulemaking eComments website to the Judge's Legal Assistant identified in the **Notice of Hearing** section of this notice.

Withdrawal of Requests. If 25 or more parties submit a valid written request for a hearing, the MPCA will hold a public hearing unless a sufficient number of parties withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA reserves the option to remove any section of the rule that may be controversial and to proceed without a hearing on the noncontroversial parts of the proposed rules.

Modifications. The MPCA might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the MPCA or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110. The public is also advised that depending upon the comments received the MPCA may withdraw the proposed changes.

Cancellation of Hearing. The MPCA will cancel the hearing scheduled for January 8, 2020, if the MPCA does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the MPCA will notify you before the scheduled hearing whether it will be held. You may also call the MPCA contact person at 651-757-2595 after December 23, 2019, to find out whether the hearing will be held.

Proposed Rules

Notice of Hearing. If 25 or more parties submit valid written requests for a public hearing on the rules, the MPCA will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Middendorf is assigned to conduct the hearing. Judge Middendorf can be reached at OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7900, and fax 651-539-0310.

Hearing Procedure. If the MPCA holds a hearing, you and all interested or affected people, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the ALJ to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the ALJ may order that this five-day comment period be extended for a longer period but not more than 20 calendar days. After the comment period, there is a five-working-day rebuttal period when the MPCA 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 OAH must receive all comments and responses submitted to the ALJ via the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com> no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com> and at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, section 14.131 to 14.20. You may direct questions about the procedure to the ALJ.

The MPCA requests that any person submitting written views or data to the ALJ before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the MPCA contact person at the address below.

MPCA Contact Person. The contact person is Katie Izzo at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone 651-757-2595; and katie.izzo@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the MPCA public notice webpage at <https://www.pca.state.mn.us/public-notice>, and the webpage for this rulemaking at <https://www.pca.state.mn.us/water/amendments-subsurface-sewage-treatment-systems-inspection-and-permit-requirements>. A free copy of the proposed rules is also available upon request by contacting the MPCA contact person. One copy per request will be sent.

Availability of Statement of Need and Reasonableness. The statement of need and reasonableness (SONAR) summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the MPCA contact person. You may review or obtain copies for the cost of reproduction by contacting the MPCA contact person. A copy of the SONAR is available during the public comment period at the following webpage: <https://www.pca.state.mn.us/public-notice>, and at <https://www.pca.state.mn.us/water/amendments-subsurface-sewage-treatment-systems-inspection-and-permit-requirements>.

Adoption Procedure if No Hearing. If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The MPCA will submit the rules and supporting documents to the OAH for a legal review. If you want to receive notice of the date the rules are submitted to the OAH, to receive a copy of the adopted rules, or to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person.

Adoption Procedure After a Hearing. If a hearing is held, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date that the ALJ's report will become available, and can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the MPCA contact person.

Statutory Authority. The statutory authority to adopt the rules is *Minnesota Statutes*, section 115.55, subd. 3, which

Proposed Rules

authorizes the MPCA to adopt rules “containing minimum standards and criteria for the design, location, installation, use, maintenance, and closure of subsurface sewage treatment systems.”

Alternative Format/Accommodation. Upon request, the information in this notice 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 MPCA contact person.

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 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: November 1, 2019

Laura Bishop, Commissioner
Minnesota Pollution Control Agency

7081.0020 DEFINITIONS.

[For text of subparts 1 to 7, see Minnesota Rules]

Subp. 7a. SSTS with low impact to potable water. “SSTS with low impact to potable water” means an SSTS that is designated by an individual licensed by the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design who has determined that the groundwater plume from a soil dispersal component:

- A. is discharging into a surface water bordering the property the SSTS soil dispersal component is located on; and
- B. is not discharging into the capture zone of any existing or potential water supply wells.

[For text of subpart 8, see Minnesota Rules]

7081.0040 STATE REGULATION.

Subpart 1. Agency regulation.

[For text of item A, see Minnesota Rules]

B. The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain an SDS permit from the agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. The owner or owners of an SSTS must obtain an SDS permit from the agency according to chapter 7001 when:

- (1) a single proposed or existing soil dispersal area receives a flow greater than 10,000 gallons per day; or

(2) when all proposed and existing SSTS soil dispersal areas that are under common ownership and within one-half mile of each other have a combined flow greater than 10,000 gallons per day. Flow from an SSTS with low impact to potable water is not counted in this subitem.

[For text of item C, see Minnesota Rules]

D. If flow values, as determined according to part 7081.0110, are greater than 10,000 gallons per day but an SDS permit is not required because of subpart 1a, item B, flow measurement data generated for making that determination must be submitted to the commissioner for review before a local permit is issued. Information on all subsequent alterations to the flow must also be provided to the commissioner.

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Subp. 1a. **Flow determination.** The owner or owner’s agent must determine flow ~~in accordance with~~ according to this subpart to establish whether an SDS permit is required under subpart 1, item B.

A. For ~~proposed new SSTS and expansions to existing SSTS~~, the flow must be determined according to item C.

B. For existing SSTS, except as provided under item D, the flow is determined ~~by the greater of:~~

(1) ~~by calculating the average of the maximum measured daily flow for a consecutive seven-day period;~~ or when the following measurements are recorded and used in the calculation:

(a) 90 consecutive daily flow measurements capturing the maximum use. Measurements must be corrected for occupancy or use according to Prescriptive Designs and Design Guidance for Advanced Designers, incorporated by reference under part 7080.1550, subpart 2; and

(b) 40 additional, consecutive, weekly flow measurements validating that unit (a) captured the maximum use; or

(2) ~~the flow determined according to item C.~~

[For text of items C and D, see Minnesota Rules]

[For text of subpart 2, see Minnesota Rules]

7081.0130 FLOW AND WASTE CONCENTRATION DETERMINATION FOR OTHER ESTABLISHMENTS.

Subpart 1. **Method.** Design flows for other establishments are determined by methods in ~~item A or B~~ items A to C. Measured flow values must be used for design flows when they are higher than the estimated flow values from table I.

A. The design flow of sewage for ~~MSTS~~ SSTS serving other establishments is estimated using table I.

TABLE I

ESTIMATED DESIGN SEWAGE FLOW FROM OTHER ESTABLISHMENTS

(1) Dwelling units (also see outdoor recreation)	Unit	Design flow (gal/day/unit)
(a) Hotel or luxury hotel	guest	55
	square foot	0.28
(b) Motel	guest	38
	square foot	0.33
(c) Rooming house	resident	45
	add for each nonresident meal	3.3
(d) Daycare (no meals)	child	19
(e) Daycare (with meals)	child	23
(f) Dormitory	person	43
(g) Labor camp	person	18
(h) Labor camp, semipermanent	employee	50
(2) Commercial/Industrial		
(a) Retail store	square foot	0.13
	customer	3.8
	toilet	590

Proposed Rules

(2) Commercial/Industrial

(b) Shopping center	employee	11.5
	square foot	0.15
	parking space	2.5
(c) Office	employee/8-hour shift	18
	square foot	0.18
(d) Medical office*	square foot	1.1
	practitioner	275
	patient	8
(e) Industrial building*	employee/8-hour shift	17.5
	employee/8-hour shift with showers	25
(f) Laundromat	machine	635
	load	52.5
	square foot	2.6
(g) Barber shop*	chair	68
(h) Beauty salon*	station	285
(i) Flea market	nonfood vendor/space	15
	limited food vendor/space	25
	with food vendor/space	50

(3) Eating and drinking establishments

(a) Restaurant (does not include bar or lounge)	meal without alcoholic drinks	3.5
	meal with alcoholic drinks	8
	seat (open 16 hours or less)	30
	seat (open more than 16 hours)	50
	seat (open 16 hours or less, single service articles)	20
	seat (open more than 16 hours, single service articles)	35
(b) Restaurant (short order)	customer	7
(c) Restaurant (drive-in)	car space	30
(d) Restaurant (carry out, including caterers)	square foot	0.5
(e) Institutional meals	meal	5.0
(f) Food outlet	square foot	0.2
(g) Dining hall	meal	8.5
(h) Coffee shop	customer	7
(i) Cafeteria	customer	2.5
(j) Bar or lounge (no meals)	customer	4.5
	seat	36

Proposed Rules

(4) Entertainment establishments		
(a) Drive-in theater	car stall	5
(b) Theater/auditorium	seat	4.5
(c) Bowling alley	alley	185
(d) Country club	member (no meals)	22
	member (with meals and showers)	118
	member (resident)	86
(e) Fairground and other similar gatherings	visitor	1.5
(f) Stadium	seat	5
(g) Dance hall	person	6
(h) Health club/gym	member	35
(5) Outdoor recreation and related lodging facilities		
(a) Campground	campsite with sewer hook-up (per person)	32
	campsite with sewer hook-up (per site/space)	100
	campsite without sewer hook-up, with central toilet or shower facility (per site)	50
	campsite without sewer hook-up, with central toilet or shower facility, served by central dump station (per site)	63
(b) Permanent mobile home	mobile home	225
(c) Camp, day without meals	person	20
(d) Camp, day with meals	person	25
(e) Camp, day and night with meals	person	45
(f) Resort/lodge hotel	person	62
(g) Cabin, resort	person	50
(h) Retail resort store	customer	4
(i) Park or swimming pool	guest	10
(j) Visitor center	visitor	13
(6) Transportation		
(a) Gas station/convenience store	customer	3.5
(b) Service station*	customer	11
	service bay	50
	toilet	250
	square foot	0.25
(c) Car wash* (does not include car wash water)	square foot	5
(d) Airport, bus station, rail depot	passenger	5
	square foot	5
	restroom	565

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(7) Institutional		
(a) Hospital*	bed	220
(b) Mental health hospital*	bed	147
(c) Prison or jail	inmate	140
(d) Nursing home, other adult congregate living	resident	125
(e) Other public institution	person	105
(f) School (no gym, no cafeteria, and no showers)	student	14
(g) School (with cafeteria, no gym and no showers)	student	18
(h) School (with cafeteria, gym, and showers)	student	27.5
(i) School (boarding)	student	95
(j) Church	seat	4
	add for each meal prepared	5
(k) Assembly hall	seat	4
(8) Miscellaneous		
(a) Public lavatory	user	5
(b) Public shower	shower taken	11

* Waste other than sewage is only allowed to be discharged into the system if the waste is suitable to be discharged to groundwater.

(1) Unless otherwise noted in table I, the flow values do not include flows generated by employees. A flow value of 15 gallons per employee per eight-hour shift must be added to the flow amount. Design flow determination for establishments not listed in table I shall must be determined by the best available information and approved by the local unit of government.

(2) Flow for systems not designed for maximum, seven-day, daily use may be determined by averaging the estimated flow from table I for a consecutive seven-day period if flow equalization is used and approved by the local unit of government.

(3) Maximum daily flow calculated under this item must be used to determine septic tank size according to part 7080.1930.

B. The measured design flow of sewage for MSTFS SSTS serving other establishments is determined by averaging the average of the maximum measured daily flows for a consecutive seven-day period in which the establishment is at maximum capacity or use. Measurements must be corrected for occupancy or use according to Prescriptive Designs and Design Guidance for Advanced Designers, incorporated by reference under part 7080.1550, subpart 2.

C. SSTS using the flow determination method from part 7081.0040, subpart 1a, item B, subitem (1), may expand based on those measurements according to the following:

(1) measured flow values may be used only for similar units;

(2) expansion above 25 percent of the total flow is not allowed unless the flow is remeasured or estimated values from table I are used; and

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(3) measured flow values may not be used at any other facility.

[For text of subpart 2, see Minnesota Rules]

7082.0700 INSPECTION PROGRAM FOR SUBSURFACE SEWAGE TREATMENT SYSTEMS.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. Compliance inspection; existing systems.

[For text of item A, see Minnesota Rules]

B. The agency's inspection report form for existing SSTS, supplemented with any necessary or locally required supporting documentation, must be used for the existing system compliance inspections in subitems (1) to (4). Allowable supporting documentation includes tank integrity assessments made within the past three years and prior soil separation assessments.

(1) ~~A~~ Tank integrity and safety compliance ~~assessment~~ assessments must be completed by a licensed SSTS inspection, maintenance, installation, or service provider business or a qualified employee inspector with jurisdiction. ~~An existing~~ A compliant tank integrity and safety compliance assessment must be completed on an empty tank, through a maintenance hole when available, and is valid for three years unless a new evaluation is requested by the owner or owner's agent or is required according to local regulations.

[For text of subitems (2) to (4), see Minnesota Rules]

[For text of items C and D, see Minnesota Rules]

[For text of subpart 5, see Minnesota Rules]

Secretary of State

Proposed Permanent Rules Relating to Presidential Nomination Primary; Local Expense Reimbursement; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04620

Proposed Amendment of Rules Governing Presidential Nomination Primary Election Administration Local Government Expense Reimbursement, *Minnesota Rules*, 8215; Revisor ID R-04620

Introduction. The Office of the Minnesota Secretary of State 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. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Thursday, December 12, 2019 the Office will hold a public hearing at the Office of Administrative Hearings at 600 Robert St N, St Paul, MN 55101, starting at 9:30 a.m. on Tuesday, December 24, 2019. To find out whether the Office will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after 4:30 on December 12, 2019 and before December 24, 2019.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Samm Bonawitz at the Office of the Minnesota Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155; Phone 651-201-1334; Email samm.bonawitz@state.mn.us. TTY users may call the Office of Secretary of State at 711.

Subject of Rules and Statutory Authority. The proposed rules govern the categories of expenses eligible for local reimbursement for the Presidential Nomination Primary. The Office is proposing rules that prescribe and expand upon the categories of expenses that are reimbursable to local jurisdictions administering the Presidential Nomination Primary. The statutory authority to adopt the rules is *Minnesota Statutes*, section 207A.11, Laws 2016, chapter 162, section

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9, which requires the Office of the Secretary of State to adopt rules to implement the provisions of *Minnesota Statutes*, chapter 207A, establishing a presidential primary election in Minnesota. *Minnesota Statutes*, section 207A.15, subd. 2, as amended by Laws 2019, 1st spec. sess., chap. 10, article 4, section 8, broadened the categories of reimbursable local expenses to provide the Secretary of State with discretion to approve additional expenses eligible for local reimbursement. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, December 12, 2019, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Office hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Thursday, December 12, 2019. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Office will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Modifications. The Office might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Office follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Office encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Office will cancel the hearing scheduled for Tuesday, December 24, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651-201-1334 after Thursday, December 12, 2019 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Office will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Office will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge James Mortenson is assigned to conduct the hearing. Judge Mortenson's Legal Assistant, Sheena Denny, can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and fax 651-539-0310 or sheena.denny@state.mn.us.

Hearing Procedure. If the Office holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this

Proposed Rules

five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit **new** evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of the Secretary of State and on the Office's website at

<http://www.sos.state.mn.us/about-the-office/rulemaking-data-practice/rulemaking/>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The 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.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person or on the Office's webpage at <http://www.sos.state.mn.us/about-the-office/rulemaking-data-practice/rulemaking/>

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

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Office will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

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

Date: November 6, 2019

Steve Simon
Secretary of State

8215.0700 LOCAL REIMBURSEMENTS.

Subpart 1. Eligibility determination. Except as otherwise provided by law, before the secretary of state reimburses a county or municipality for an expense incurred to administer the presidential nomination primary that is not specifically authorized by Minnesota Statutes, section 207A.15, subdivision 1, paragraph (a), the secretary of state must determine that the expense is approved for reimbursement under subpart 2.

Subp. 2. Eligible expenses. For purposes of Minnesota Statutes, section 207A.15, subdivision 2, the following expenses related to administering the presidential nomination primary incurred by a county or municipality are approved for reimbursement:

A. costs, including envelopes, printing, postage, and associated courier fees related to the distribution and

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processing of military and overseas voter ballots and ballot materials;

B. costs, including envelopes, printing, postage, and associated courier fees related to the distribution and processing of mail ballots and ballot materials;

C. costs, including envelopes, printing, postage, and associated courier fees related to the distribution and processing of absentee ballot materials;

D. costs, including envelopes, printing, and postage, for distribution of absentee ballot applications for voters on the permanent absentee list, as described in Minnesota Statutes, section 203B.04, subdivision 5;

E. costs associated with preparation of an absentee voting location as a polling place, not to exceed \$150 per polling place;

F. costs associated with preparation of electronic voting systems for absentee polling places, not to exceed \$100 per polling place;

G. costs for distribution and publication of statutorily mandated public notices;

H. mileage for travel associated with delivering materials and traveling between polling places and government buildings on election day;

I. costs for purchase of materials for any additional election judge training specific to the presidential nomination primary;

J. compensation for election judges completing required election judge training for preparation for the presidential nomination primary, not to exceed three hours;

K. compensation for election judges completing required health care facility training, not to exceed one hour;

L. parking reimbursement for election judges on election day;

M. costs associated with car or truck rental fees related to the transportation of election equipment or polling place materials;

N. costs, including envelopes, printing, and postage, for the distribution of election judge materials;

O. costs associated with ensuring the security and safety of the public at the polling place;

P. costs, including storage rental fees, associated with the physical storage of presidential nomination primary records for at least 22 months from the date of the election, as prescribed in Minnesota Statutes, section 204B.40;

Q. costs associated with supplies purchased for the assembly and support of the polling place; and

R. costs, including secured Internet and phone connections, associated with securing communications at the polling place.

Subp. 3. **Reimbursement amount.** The secretary of state must not reimburse a county or municipality for an amount exceeding the actual documented cost of an item listed in subpart 2.

Expedited Rules

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

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

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

Department of Labor and Industry

Workers' Compensation Division

Proposed Expedited Permanent Rules Governing Treatment for Post-Traumatic Stress Disorder; Notice of Intent to Adopt Expedited Rules without a Public Hearing

Proposed Rules Amending General Treatment Parameters, *Minnesota Rules*, part 5221.6050 and Governing Treatment for Post-Traumatic Stress Disorder, *Minnesota Rules*, part 5221.6700; Revisor's ID Number RD4617

Introduction. The Department of Labor and Industry (DLI) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until December 12, 2019.

Agency Contact Person. Submit comments or questions on the rules to: Ethan Landy at the Department of Labor and Industry, 443 Lafayette Rd. N., St. Paul, MN 55155, phone (651) 284-5006, and email to dli.rules@state.mn.us.

Statutory Authority. The specific statutory authority to adopt the proposed rules for criteria for treatment of PTSD is in *Minnesota Statutes*, section 176.83, subd 5(b)(8). This section states that the commissioner "shall adopt the rules using the expedited rulemaking process in [Minnesota Statutes,] section 14.389, including subdivision 5...." Pursuant to *Minnesota Statutes*, section 176.83, subd. 5 (a), rules establishing standards and procedures for health care provider treatment are used to determine whether a provider of health care services is "performing procedures or providing services at a level or with a frequency that is excessive, unnecessary, or inappropriate under section 176.135, subdivision 1, based upon accepted medical standards for quality health care...."

A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be viewed at www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-52216700-2019.

Subject of the Expedited Rules. The proposed expedited rules are about treatment of post-traumatic stress disorder (PTSD) in Minnesota workers' compensation. Specifically, the proposed rules explain the scope of treatment for PTSD in Minnesota workers' compensation after it is diagnosed according to the requirements in *Minnesota Statutes*, section 176.011, subd. 15(d). The proposed rules outline what information should be included in a health care provider's initial evaluation for PTSD and a patient's established treatment plan. The proposed rules also describe the trauma-focused psychotherapy treatment modalities and medications that are indicated when treating for PTSD. Next, the proposed rules explain when a psychological assessment is indicated before a patient undergoes an additional period of psychotherapy

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treatment. Additionally, the proposed rules note when a payer should receive prior notification of treatment for PTSD and how a patient can change their treating health care provider. Finally, the proposed rules outline the information the treating health care provider needs to document in a patient's medical record or other report during treatment. A payer's liability for treatment for PTSD that is excessive under the proposed rules, and according to Minnesota Rules, part 5221.6050, subpart 7, is limited unless otherwise determined by the commissioner or a compensation judge.

Comments. You have until 4:30 p.m. on Thursday, December 12, 2019, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comments are encouraged. Your comment should identify the portion of the proposed expedited rules addressed, the reason for the comment, and any change proposed. Any comments that you have on the legality of the proposed rules must also be made during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules pursuant to Minnesota Statutes, section 14.389, subd. 5. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on Thursday, December 12, 2019. Your written request must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and DLI cannot count it for 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 100 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 100, DLI must give written notice of this to all persons who requested a hearing, explain the actions DLI took to effect the withdrawal, and ask for written comments on this action. If DLI is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

Modifications. DLI might modify the proposed expedited rules using either of two avenues: modifying the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c); or adopting substantially different rules if DLI follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, DLI will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, DLI must publish a copy of the changes in the State Register. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 18006573889.

Adoption and Review of Expedited Rules. If no hearing is required, DLI will submit rules and supporting documents to the Office of Administrative Hearings after the end of the comment period for review for legality. You may ask to be notified of the date that DLI submits the rules for review. If you would like to be notified, receive a copy of the adopted rules, or register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: October 31, 2019

Nancy J. Leppink, Commissioner

Expedited Rules

5221.6050 GENERAL TREATMENT PARAMETERS; EXCESSIVE TREATMENT; PRIOR NOTIFICATION.

[For text of subparts 1 to 6, see Minnesota Rules]

Subp. 7. Determinations of excessive treatment; notice of denial to health care providers and employee; expedited processing of medical requests.

A. In addition to services deemed excessive under part 5221.0500 and Minnesota Statutes, section 176.136, subdivision 2, treatment is excessive if:

(1) the treatment is inconsistent with an applicable parameter or other rule in parts 5221.6050 to ~~5221.6600~~ 5221.6700; or

(2) the treatment is consistent with the parameters in parts 5221.6050 to ~~5221.6600~~ 5221.6700, but is not medically necessary treatment.

[For text of items B and C, see Minnesota Rules]

D. A determination of the compensability of medical treatment under Minnesota Statutes, chapter 176, must include consideration of the following factors:

(1) whether a treatment parameter or other rule in parts 5221.6050 to ~~5221.6600~~ 5221.6700 applies to the etiology or diagnosis for the condition;

[For text of subitems (2) and (3), see Minnesota Rules]

[For text of subparts 8 to 11, see Minnesota Rules]

5221.6700 POST-TRAUMATIC STRESS DISORDER.

Subpart 1. **Scope.**

A. Pursuant to Minnesota Statutes, section 176.83, subdivision 5, paragraph (b), clause (8), this part establishes standards and procedures for treatment of patients with a compensable mental impairment of post-traumatic stress disorder (PTSD) as defined in Minnesota Statutes, section 176.011, subdivision 15, paragraph (d). This part does not affect any determination of liability for an injury under Minnesota Statutes, chapter 176, and does not expand or restrict a health care provider's scope of practice.

B. This part applies to all outpatient treatment provided for PTSD after the effective date of this part, regardless of the date of injury.

C. This part does not apply to treatment of an injury after a payer has denied primary liability for the injury. However, if primary liability is later accepted or determined, this part does apply to treatment initiated after primary liability has been established.

D. References to days and weeks in this part means calendar days and weeks unless otherwise specified.

E. Parts 5221.6050, subparts 1, item C; 2; 4; 5; 6, items A and C; and 7, items A and D, and 5221.8900 apply to the treatment standards established in this part. The departures listed in part 5221.6050, subpart 8, do not apply to this part.

Subp. 2. **Definitions.**

A. The definitions in this subpart apply to this part.

(1) "Condition" means the symptoms, physical signs, clinical findings, and functional status that characterize the patient's complaint, illness, or injury related to a current claim for compensation.

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(2) “Contraindication” means a condition that makes the use of a particular psychological treatment or medication inadvisable because of an increased risk of harm to the patient, including the risk of self-harm by the patient.

(3) “Evidence-based” means a practice that integrates research validated by peer-reviewed scientific literature with clinical expertise in the context of patient characteristics, culture, and preferences.

(4) “Functional status” means the ability of an individual to engage in activities of daily living or other social, recreational, and vocational activities.

(5) “Mental health care provider” means a currently licensed health care provider who has experience treating patients with PTSD and whose practice primarily involves mental health treatment.

(6) “Modality” means the application or use of a therapeutic agent or regimen.

(7) “Narrative exposure therapy” means a treatment for trauma disorders in which a patient establishes a coherent, chronological narrative of the patient’s life story, with a focus on the patient’s traumatic experiences.

(8) “Trauma-focused psychotherapy” means a therapy that uses cognitive, emotional, and behavioral techniques to process a traumatic experience and in which the trauma focus is a central component of the therapeutic process.

B. Unless otherwise defined in this subpart, the definitions of the psychotherapy treatment modalities in subpart 5 are as provided in Appendix A - Description of Treatments and Strength of Recommendations - of the American Psychological Association’s Clinical Practice Guideline for the Treatment of Posttraumatic Stress Disorder in Adults, which is incorporated by reference in subpart 12.

Subp. 3 Diagnosis and initial evaluation.

A. The diagnosis of PTSD must be made by a licensed psychologist or psychiatrist according to the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association, as required by Minnesota Statutes, section 176.011, subdivision 15, paragraph (d). As of the effective date of this part, the most current edition is the fifth edition (DSM-5), which is incorporated by reference in subpart 12.

B. A mental health care provider must complete an initial evaluation that includes a determination of:

(1) the patient’s functional status;

(2) the patient’s relevant family history;

(3) the patient’s history of mental health conditions and treatment, if any;

(4) whether there is an acute risk that the patient will harm self or others, and any potential need for hospitalization;

(5) whether the patient has any comorbid physical or psychiatric disorders, including substance and other addictions, previous untreated or unresolved trauma, personality disorder, depression, anxiety, serious mood disorder, and psychosis;

(6) whether the patient would benefit from psychotherapy treatment under subpart 5, after considering any contraindications; and

(7) any appropriate referrals for treatment for any risks or comorbid physical or psychiatric disorders identified under subitems (4) and (5), psychotherapy treatment under subpart 5, and treatment with medication under subpart 9.

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Subp. 4. Treatment plan.

A. Prior to providing psychotherapy treatment under subpart 5, a mental health care provider must:

(1) engage and collaborate with the patient to establish a plan for treatment that does the following:

(a) specifies the treatment modality or modalities described in subpart 5, item A, that will be provided;

(b) determines if treatment will be conducted using telemedicine, which requires patient agreement;

(c) assesses the patient's current level of symptoms and functional status;

(d) develops a specific set of goals for the treatment based on the patient's functional status;

(e) establishes a timetable for achieving the treatment goals within the prescribed number of psychotherapy sessions;

(f) prescribes the duration and frequency of treatment, subject to subparts 5, 6, and 8;

(g) addresses the patient's plan for return to work, including any restrictions necessary for the patient's initial return to work, in compliance with parts 5221.0410 and 5221.0420. The mental health care provider establishing the treatment plan may collaborate with the patient's other treating health care providers to address planning a return to work; and

(h) provides for any necessary referrals that were not made under subpart 3, item B, subitem (7);

(2) provide education about PTSD and its treatment; and

(3) provide any motivational interviewing needed to prepare the patient for trauma-focused psychotherapy.

B. The assessment described in item A, subitem (1), unit (c), must be conducted using a tool validated in peer-reviewed scientific literature for the assessment of PTSD symptoms and functional status. When available, assessment tools must be based on the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association. Examples of acceptable assessment tools for the DSM-5 are the PTSD Symptom Scale - Interview for DSM-5 (PSS-I-5), the PTSD Scale - Self Report for DSM-5 (PS-SR5), the Clinician-Administered PTSD Scale for DSM-5 (CAPS-5), and the PTSD Checklist for DSM-5 (PCL-5).

C. The assessment required by item A, subitem (1), unit (c), provides the baseline for determining the progress of the treatment as described in subpart 5, item C.

D. If the mental health care provider establishing the treatment plan in item A is not the same provider who completed the initial evaluation in subpart 3, item B, the provider must review and consider that initial evaluation before establishing a treatment plan under this subpart.

Subp. 5. Psychotherapy treatment.

A. The following trauma-focused psychotherapy treatment modalities are indicated for the treatment of PTSD singularly, concurrently, or simultaneously:

(1) cognitive behavioral therapy (CBT);

(2) cognitive processing therapy (CPT);

(3) cognitive therapy (CT);

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- (4) prolonged exposure therapy (PE);
- (5) brief eclectic psychotherapy (BEP);
- (6) eye-movement desensitization and reprocessing (EMDR);
- (7) narrative exposure therapy (NET); and

(8) any other treatment modality recommended by the treating mental health care provider that is an evidenced-based, trauma-focused psychotherapy treatment modality, subject to the requirements of subpart 7.

B. All psychotherapy treatment modalities under item A must be provided by a mental health care provider who is trained to treat PTSD with the modality or modalities they are using to treat the patient. The provider must retain documentation of the training. Treatment for PTSD under item A is not indicated more than two times per week, except to provide emergency treatment as defined in part 5221.6040, subpart 5.

C. At least once every two weeks while a patient is receiving psychotherapy treatment under this subpart, the psychotherapy provider must:

(1) evaluate the severity of the patient's PTSD symptoms and changes in the patient's functional status using an assessment tool described in subpart 4, item B, and the provider's clinical observations of the patient;

(2) review:

(a) the treatment plan, including goals; and

(b) the patient's adherence to the plan;

(3) make any necessary adjustments to the treatment plan; and

(4) complete and submit to the patient a report of work ability. Part 5221.0410, subpart 6, items B, C, and D, apply to the provider's completion of the report of work ability. The provider completing the report may collaborate with the patient's other treatment health care providers regarding the patient's return to work.

Subp. 6. Duration of psychotherapy treatment.

A. A period of psychotherapy treatment begins with the first time a modality is initiated under this part, and ends 16 weeks later. Additional modalities added during the 16 weeks do not extend a period of psychotherapy treatment. Subject to the requirements of this part, there is no limit to the number of periods of psychotherapy treatment a patient may receive.

B. An additional period of treatment is indicated only if the provider determines the patient continues to meet the criteria for PTSD described in the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders, and the requirements of items C to E are satisfied.

C. A complete psychological assessment is indicated for a patient who does not complete a period of psychotherapy treatment and continues to meet the criteria for PTSD, or who continues to meet the criteria for PTSD after the conclusion of a period of treatment. This assessment is not necessary if a complete psychological assessment has already been completed within the previous year, or if one or more of the indications for an additional period of treatment described in item E apply.

D. The psychological assessment required by item C must include the use of objective testing such as the most current version of the Minnesota Multiphasic Personality Inventory. The goal of the assessment is to determine if the

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patient has any new or unresolved comorbid psychological conditions that are preventing the successful treatment of PTSD. If identified, these comorbidities must be addressed or treated prior to the patient resuming psychotherapy treatment for PTSD or, if appropriate, addressed or treated concurrently with an additional period of treatment for PTSD.

E. An additional period of psychotherapy treatment is indicated in the following circumstances, without the need for a complete psychological assessment:

- (1) the patient's treatment has been interrupted or delayed because of a need for treatment of a different medical or psychological condition, including treatment of comorbidities;
- (2) previous treatment for PTSD did not meet the accepted standard of practice;
- (3) there is documentation in the medical record or other report, pursuant to subpart 10, of all of the following during the current period of treatment:
 - (a) the patient has adhered to the treatment plan, as described in subpart 4;
 - (b) a decrease in the patient's PTSD symptoms;
 - (c) improvement in the patient's functional status; and
 - (d) further decrease in the patient's PTSD symptoms and continued improvement in the patient's functional status are anticipated with additional treatment;
- (4) the patient has returned to work and is in need of additional treatment related to an exacerbation of PTSD symptoms caused by the patient's work activities; or
- (5) with the approval of the commissioner or a compensation judge, after a medical request is filed, in rare cases with exceptional circumstances.

Subp. 7. Prior notification.

A. The provider must give prior notice to the payer of each additional 16-week period of psychotherapy treatment. The provider must also give prior notice of any psychotherapy treatment with a modality other than those indicated in subpart 5, item A, subitems (1) to (7). The prior notice may be made orally or in writing, must be provided at least seven working days before the treatment begins, and must include:

- (1) the basis for the additional period of treatment, if applicable;
- (2) the psychotherapy treatment modality or modalities that will be used; and
- (3) the anticipated length of the treatment.

B. The payer must respond within seven working days of receipt of the notification in item A by either approving the treatment, denying the treatment, scheduling a medical examination under Minnesota Statutes, section 176.155, or requesting additional information including an updated treatment plan. If the provider does not receive a response from the payer within the seven working days, the payer has deemed to have given authorization. If the payer authorizes treatment, it may not later deny payment for the authorized treatment. A payer must respond within seven working days of receiving additional information, if requested. Payers may delegate their obligations under this subpart to their certified managed care plan, if applicable.

C. If treatment is denied, the provider or the employee may file with the commissioner a medical request under part 5221.6050, subpart 7, item C. If treatment is denied or if a medical examination under Minnesota Statutes, section 176.155, is scheduled, a provider may proceed with the proposed treatment subject to a later determination of compensa-

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bility by the commissioner or compensation judge. If the employer has contracted with a certified managed care plan, the plan's dispute resolution process must be completed before a medical request is filed pursuant to Minnesota Statutes, section 176.1351.

Subp. 8. Change of provider.

A. A patient must not change the mental health care provider who is providing the patient with psychotherapy treatment under subpart 5 more than once within the first 60 days of the patient's first period of psychotherapy treatment. After the first 60 days of psychotherapy treatment under subpart 5, the patient must not change the patient's provider except as provided by part 5221.0430. For purposes of this part, the requirements of part 5221.0430, subparts 2 to 4, governing the change of a patient's primary care provider also apply to the change of a patient's mental health care provider when a treatment plan established under subpart 4 has been initiated.

B. Treatment received prior to the change of provider under item A is not included in the 16-week duration limit for a period of psychotherapy treatment described in subpart 6, item A.

Subp. 9. Treatment with medication.

A. If a patient is not receiving psychotherapy treatment under subpart 5, a health care provider must evaluate whether the patient would benefit from psychotherapy treatment before prescribing medication for PTSD. The provider must communicate the evaluation to the patient. Treatment of PTSD with medication is indicated as provided in this subpart.

B. The following medications are indicated for the initial treatment of PTSD:

(1) selective serotonin reuptake inhibitors (SSRIs), such as sertraline, paroxetine, or fluoxetine;

(2) selective norepinephrine reuptake inhibitors (SNRIs), such as venlafaxine; and

(3) antihypertensive medication, if there is peer-reviewed scientific literature demonstrating that the medication is effective treatment for PTSD.

C. If the medications in item B are contraindicated for the patient, produce undesirable side effects, or do not decrease the severity of PTSD symptoms, the following medications are indicated for treatment of PTSD:

(1) serotonin antagonist and reuptake inhibitors (SARIs), such as trazodone, mirtazapine, or nefazodone; or

(2) other medications if prescribed or recommended by a licensed psychiatrist, a psychiatric mental health advanced practice registered nurse (PMH-APRN), or any other health care provider after consultation with one of the providers in this subitem.

D. The following requirements must be met while treating PTSD:

(1) medication must be prescribed at the lowest clinically effective dose, as determined by the prescribing health care provider but not to exceed the manufacturer's maximum daily dosage;

(2) medication is indicated only for the shortest duration needed, as determined by the prescribing health care provider;

(3) generic medications are indicated for the treatment of PTSD; and

(4) the initial prescription of a medication indicated in items B and C for treatment of PTSD is limited to no more than three months of the medication per prescription. Subsequent refills of the same medication are limited to no more than six months of medication per refill.

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E. Benzodiazepines are not indicated for treatment of PTSD.

Subp. 10. **Documentation.** A health care provider must clearly document the following information in the patient's medical record or other report:

A. the diagnosis and initial evaluation under subpart 3;

B. the treatment plan under subpart 4;

C. the biweekly evaluation under subpart 5, item C, including any work restrictions;

D. the basis for any additional periods of psychotherapy treatment under subpart 6, including any psychological assessments or indications for additional periods of treatment without assessment and determinations that the patient continues to meet DSM criteria; and

E. the evaluation of potential psychotherapy treatment performed prior to prescribing medication under subpart 9, item A; and

F. any medications prescribed under subpart 9, including the basis for any medications prescribed under subpart 9, item C.

Subp. 11. **Patients currently receiving treatment.** For a patient receiving treatment for PTSD prior to the effective date of this part, a payer must provide written notice of the requirements of this part to the patient and the patient's treating health care providers before denying payment based on this part. A payer must not deny payment based on failure to comply with this part until 90 days after the written notice has been provided.

Subp. 12. **Incorporation by reference.**

A. The Diagnostic and Statistical Manual of Mental Disorders, fifth edition (DSM-5), and any updates, including errata and coding updates, is incorporated by reference. DSM-5 is copyrighted by the American Psychiatric Association and is not subject to frequent change. It is published by American Psychiatric Publishing, Inc. (APPI), and may be purchased from them by calling 800-368-5777 or by ordering online at the APPI website. It is available through the Minitex interlibrary loan system and from other bookstores and online retailers.

B. The Clinical Practice Guideline for the Treatment of Posttraumatic Stress Disorder in Adults and its appendices, adopted by the American Psychological Association as APA Policy on February 24, 2017, and any updates, are incorporated by reference. It is not copyrighted and is not subject to frequent change. It is available online at <http://www.apa.org/ptsd-guideline/>.

Official Notices

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

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

Minnesota State Agricultural Society (Minnesota State Fair) Board of Managers Meeting Notice

The Minnesota State Agricultural Society board of managers will meet at **9 a.m. Thursday, November 14** at the Libby Conference Center on the State Fairgrounds. The session opens with a meeting of the board's sales committee. A general business meeting will follow. The Society is the governing body of the Minnesota State Fair. Agendas are available upon request by calling the Minnesota State Fair at (651) 288-4400.

The 2020 Minnesota State Fair runs Aug. 27 - Labor Day, Sept. 7.

Department of Employment and Economic Development, Minnesota Housing and Department of Human Services Notice of Draft Availability for State of Minnesota Consolidated Annual Performance and Evaluation Report and Performance Evaluation Report for 2019

The State of Minnesota is developing its Consolidated Annual Performance and Evaluation Report (CAPER) and Performance Evaluation Report (PER) for 2019.

The state submits its CAPER to HUD annually as one of the conditions of receiving federal housing and community development funding through the Community Development Block Grant, HOME Investment Partnerships, Emergency Solutions Grants, Housing Opportunities for Persons with AIDS, and the national Housing Trust Fund programs. The CAPER provides information to measure the state's progress during the past year in meeting assistance goals and priorities identified in the Consolidated Plan. The CAPER includes a summary and analysis of progress made on identified actions that state agencies have elected to undertake to affirmatively further fair housing and overcome impediments to fair housing.

A draft of the 2019 CAPER and PER will be available for public review and comment beginning November 15, 2019, at www.mnhousing.gov and <http://mn.gov/deed/government/financial-assistance/community-funding/> and ending at close of business December 2, 2019. Printed copies of the CAPER can be obtained by calling Minnesota Housing Finance Agency at 1-800-657-3769 or (651) 296-7608, or TTY (651) 297-2361.

Written public comments on the CAPER and PER must be submitted by December 2, 2019 to: CAPER, Minnesota Housing Finance Agency; 400 Wabasha Street, Suite 400; St. Paul, MN 55102; via fax to (651) 296-8139 or by email to mn.housing@state.mn.us. To ensure consideration of your comments, type "CAPER" in the subject line of your e-mail.

The State will consider any comments from individuals or groups received in writing and a summary of the written comments on the CAPER and PER and the State's responses will be included in the final CAPER. The CAPER and PER will be submitted to HUD on or before December 31, 2019.

Official Notices

Investment Advisory Council Official Meeting Notice

The Investment Advisory Council of the Minnesota State Board of Investment will meet on **Monday, November 18, 2019 at 12:00 p.m.** at the Retirement Systems Building, Room 106 (Main Floor), 60 Empire Drive, St. Paul, Minnesota.

Minnesota Pollution Control Agency (MPCA) Public Notice of Intent to Reissue Municipal Separate Storm Sewer System (MS4) General Permit MNR040000

General information

Public comment period begins: November 12, 2019
Public comment period ends: January 11, 2020 (4:30 p.m.)
Current permit issued: August 1, 2013
Current permit expiration date: July 31, 2018

The Minnesota Pollution Control Agency (MPCA) Commissioner has made a preliminary determination to issue this permit for a term of approximately five years.

Name and address of Permittee:	Facility name and location:	MPCA contact person:
Multiple	Municipal Separate Storm Sewer System (MS4) General Permit MNR040000	Cole Landgraf Municipal Division Minnesota Pollution Control Agency 520 Lafayette Road North St. Paul, Minnesota 55155 Phone: 651-757-2880 Email: cole.landgraf@state.mn.us File manager phone: 651-757-2728 or 1-844-828-0942

A draft permit and fact sheet are available for review on the MPCA Public Notices webpage at <http://www.pca.state.mn.us/publicnotices>. Additional materials relating to the issuance of this permit are available for inspection by appointment at any MPCA office (<https://www.pca.state.mn.us/about-mpca/mpca-offices>) between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The MPCA will mail or email a copy of the draft permit upon request. Comments, petitions, and other requests must be received at the MPCA in writing on or before the public comment period end date and time identified above.

Description of permitted activity

This general permit will provide coverage for approximately 249 entities, which includes cities, townships, counties, watershed districts, colleges and universities, correctional facilities, department of transportation, and a hospital, that own and/or operate a small Municipal Separate Storm Sewer System (MS4) in Minnesota. Additional entities that own and/or operate a small MS4 may be designated in the future by the MPCA under Minn. R. 7090. The general permit provides a mechanism to regulate discharges of stormwater from small MS4s. Like the previous permit, this general permit will require permittees to develop and implement a Stormwater Pollution Prevention Program (SWPPP) to reduce the discharge of pollutants from their storm sewer system. To obtain coverage under the proposed permit, all current regulated small MS4s are required to submit a complete application in accordance with the schedule identified in the permit. Any additional designated small MS4s will be required to submit an application by the date specified in the MPCA Commissioner's designation determination.

Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are three formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

- (1) Submit written comments on the draft permit.
- (2) Petition the MPCA to hold a public informational meeting.
- (3) Petition the MPCA to hold a contested case hearing.

Submitting written comments

To submit comments or petitions to the MPCA through the mail or email, you must state:

- (1) Your interest in the permit application or the draft permit.
- (2) The action you wish the MPCA to take, including specific references to the section of the draft permit you believe should be changed.
- (3) The reasons supporting your position, stated with sufficient specificity as to allow the MPCA to investigate the merits of the position.

Public informational meeting

A public informational meeting is an opportunity for interested persons to ask questions concerning the proposed MS4 permit. MPCA staff will be present to provide information. If an interested person would like to request the MPCA to hold a public informational meeting, the person should include all information identified above and in addition include a statement of the reasons the person desires the MPCA to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting.

The MPCA has scheduled a webinar during the public comment period. The webinar will be on **Wednesday, December 11, 2019, 9:00 AM –12:00 PM** (Central time). The webinar will consist of a presentation highlighting the major changes in the proposed permit followed by a question and answer session. While questions may be submitted during the webinar, the MPCA encourages the public to submit questions prior to the webinar to ensure enough time is allotted to cover issues that are of interest. The webinar will be recorded and made available to anyone interested. For further details, including how to register and submit questions, please visit <https://www.pca.state.mn.us/water/municipal-stormwater-ms4>.

Contested Case Hearing

A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. As described in Minn. R. 7000.1800, persons who submit petitions for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (which may be in the form of proposed findings) supporting an MPCA decision to hold a contested case hearing. Failure to comply with these rules exactly may result in a denial of the request. To the extent known, the petitioner may also submit a list of prospective witnesses to be called at a hearing, a proposed list of publications, references, or studies to be introduced at a hearing and the approximate time required for the petitioner to present the matter at a hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.

Minnesota Pollution Control Agency (MPCA)

Environmental Analysis and Outcomes Division

Notice of Availability of the 2020 Draft Impaired Waters List and 2020 Revisions to Appendix A of the Statewide Mercury TMDL and Request for Comment

Public Comment Period Begins: 11/12/2019
Public Comment Period Ends: 1/14/2020, 4:30 PM

Background

Every two years, the Minnesota Pollution Control Agency (MPCA) is required by the US Environmental Protection

Official Notices

Agency (EPA), through the Clean Water Act (CWA), to submit a list of impaired waters to EPA for their review and approval. This serves as joint notice of a 60-day formal written comment period for [1] the draft 2020 Impaired Waters List and [2] Revisions to Appendix A of the statewide mercury TMDL.

[1] The draft 2020 List of Impaired Waters and supporting documentation

In accordance with the requirements of Section 303(d) of the CWA, the MPCA is required to list waters that do not meet standards and update that list every even-numbered year. In addition to updating this list, the MPCA updates a Guidance Manual that describes state water quality standards, the data collection and quality requirements, and assessment methods used when developing the Impaired Waters List. Both documents are found on the MPCA's Impaired Waters List webpage and are open for public comment **November 12, 2019 – January 14, 2020:**

- 2020 Draft Impaired Waters List (wq-iw-65), including 2020 Mercury TMDL Appendix A; and
- 2020 Guidance Manual for Assessing the Quality of Minnesota Surface Waters for Determination of Impairment 305(b) Report and 303(d) List (wq-iw1-04k).

Changes to the Impaired Waters List are focused in major watersheds where intensive monitoring began in 2016 or 2017 and water quality assessments occurred in 2018 and 2019. The main update to the Guidance Manual is to Section V.A.1.a, and minor changes to the language in Appendix E. While the entirety of both documents are open for comment, MPCA particularly requests comments on areas that have changed since the last public notice of the Impaired Waters List.

[2] The revisions to Appendix A of the approved statewide mercury TMDL

Every two years the MPCA updates Appendix A of the EPA-approved statewide mercury total maximum daily load (TMDL). Appendix A, included in the Impaired Waters List, contains the list of lakes and river segments covered by the TMDL. Fish tissue impairments in Appendix A have mercury concentrations greater than 0.2 mg/kg and equal to or less than 0.572 mg/kg. Impairments based on fish tissue data greater than 0.572 mg/kg are included in the TMDL List because while they will be improved by the statewide TMDL, they will require additional reductions to be restored. Note that the mercury TMDL documentation and reduction goals are not being changed with Appendix A revisions.

Submit written comments

Minnesota's 2020 Draft Impaired Waters List and 2020 Guidance Manual for Assessing the Quality of Minnesota Surface Waters [1], and revisions to Appendix A to the approved mercury TMDL [2] are located at the MPCA web site at <https://www.pca.state.mn.us/water/minnesotas-impaired-waters-list>.

This notice is being published today for the purpose of providing opportunity for public comment on [1] the lakes and rivers on the 2020 Draft Impaired Waters List and [2] the revisions to Appendix A to the statewide mercury TMDL. Written comments must be postmarked or received by the MPCA contact person listed below by **4:30 pm CST January 14, 2020**.

Attend a regionally focused public meeting

The MPCA will hold four public meetings in December to discuss the content of the Impaired Waters List including the delistings and impairments proposed for 2020. You can attend in person or participate live online; online meeting information can be found at <https://www.pca.state.mn.us/water/minnesotas-impaired-waters-list>. E-mail the agency contact to request additional information for any of the meetings.

Wednesday, December 11, 10:00 a.m.

Brainerd MPCA, 7678 College Rd, Suite 105, Baxter, MN 56425

Thursday, December 12, 9:00 a.m.

Marshall MPCA, 504 Fairgrounds Rd Suite 200 Marshall, MN 56258

Detroit Lakes MPCA, 714 Lake Ave, Suite 220, Detroit Lakes, MN 56501

Mankato MPCA, 12 Civic Center Plaza, Suite 2165, Mankato, MN 56001

Tuesday, December 17, 1:00 p.m.

International Falls Airport, Conference Room, 3214 2nd Ave E, International Falls, MN 56649
Duluth MPCA, 525 Lake Ave, Suite 400, Duluth, MN 55802

Thursday, December 19, 1:00 p.m.

St. Paul MPCA, 520 Lafayette Rd N, St. Paul, MN 55155
Rochester MPCA, 18 Wood Lake Drive SE, Rochester, MN 55904

Agency contact person

Written comments and requests for more information should be directed to:

Miranda Nichols
Minnesota Pollution Control Agency
Environmental Analysis and Outcomes Division – Water Assessment Section
520 Lafayette Rd N
St. Paul, MN 55155-4194
Phone: 651-757-2614
Toll free: 1-800-657-3864
E-mail: miranda.nichols@state.mn.us
TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

If Miranda is not available other contacts are Doug Hansen (651-757-2406, douglas.hansen@state.mn.us and Bill Cole (651-757-2788, william.cole@state.mn.us).

Dated: 11/5/2019

Minnesota Pollution Control Agency (MPCA)

Watershed Division

Notice of Availability of and Request for Comment on the Draft Lake of the Woods (Major Watershed Number 09030009) Watershed Restoration and Protection Strategy (WRAPS) Report and Total Maximum Daily Load (TMDL) Study

The MPCA produced this WRAPS report and TMDL study to set pollution reduction goals and strategies for the watershed, and is requesting written comments during the public comment period:

- **Public comment period begins: November 12, 2019**
- **Public comment period ends: 4:30 on December 12, 2019**

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

Cary Hernandez
Watershed Division
714 Lake Ave, Suite 220
Detroit Lakes, MN 56501
Phone: 218-846-8124; 800-657-3864
Email: cary.hernandez@state.mn.us

The draft WRAPS report and TMDL study are available for review at:
<https://www.pca.state.mn.us/water/watersheds/lake-woods>.

The official public notice for the WRAPS report and TMDL study, and information on public notice procedures, is available for review at the MPCA public notices webpage: <https://www.pca.state.mn.us/public-notice> – find it located under public notices issued on November 12, 2019.

Official Notices

Minnesota Department of Transportation (MnDOT)

Office of Freight and Commercial Vehicle Operations

REQUEST FOR COMMENTS for Possible Amendments to Rules Governing Special Transportation Service, *Minnesota Rules*, Chapter 8840; Revisor's ID Number R-04593

Subject of Rules. The Minnesota Department of Transportation requests comments on its possible amendments to rules governing Special Transportation Service. The Department's Office of Freight and Commercial Vehicle Operations administers the Special Transportation Service program as required in *Minnesota Statutes*, section 174.30. Special Transportation Service refers to certain types of transportation for the elderly or disabled as well as certain covered nonemergency transportation services, as defined in *Minnesota Statutes*, section 174.29. In administering the program the Office of Freight and Commercial Vehicle Operations certifies and regulates providers, drivers, attendants, and trainers using procedures established in *Minnesota Rules*, chapter 8840. The scope of this rulemaking will include the consideration of any and all issues relating to the program including amendments to reflect statutory amendments, new rule parts, repeals or amendments to the following rule parts in, Chapter 8840:

- 8840.5100 Definitions
- 8840.5300 Scope
- 8840.5400 Certificate of Compliance General Requirements
- 8840.5450 Restrictions on Name and Description of Service
- 8840.5500 Certificate of Compliance Application
- 8840.5525 Issuance and Expiration of Certificate of Compliance
- 8840.5640 Initial Special Transportation Service Provider Education
- 8840.5650 Annual Evaluation
- 8840.5700 Inspection and Audit
- 8840.5800 Enforcement: Violations, Suspensions, Revocations, and Cancellations
- 8840.5900 Driver Qualifications
- 8840.5910 Driver and Attendant Training Requirements
- 8840.5925 Vehicle Equipment
- 8840.5940 Vehicle Construction Standards
- 8840.5950 Standards for Operation of Vehicles
- 8840.5975 Standards for Maintenance
- 8840.6000 Insurance
- 8840.6100 Records
- 8840.6200 Certification of Training Courses and Instructors
- 8840.6250 Audit of Courses
- 8840.6300 Variance
- 8840.6400 Administrative Hearing

Persons Affected. The amendment to the rules would likely affect special transportation service providers, drivers and attendants of special transportation service vehicles, instructors and organizations that provide training related to special transportation service, clients of special transportation services, and insurance companies who provide coverage for special transportation service providers. Other persons or organizations likely effected or that may have an interest in the rules include the Minnesota Department of Human Services, Association of Minnesota Counties, Minnesota Council on Disabilities, Minnesota Board on Aging, Managed Care Organizations, and other transportation groups or organizations advocating for persons with disabilities, the elderly, and recipients of medical assistance.

Statutory Authority. *Minnesota Statutes*, section 174.30, subdivision 2, and subdivision 4(c) require the Department to adopt rules regulating special transportation services which must include but are not limited to: qualifications of drivers and attendants, safety of vehicles and necessary safety equipment, general requirements concerning inspection and maintenance of vehicles, vehicle equipment, and minimum insurance requirements.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the State Register that MnDOT intends to adopt or to withdraw the

Official Notices

rules. The department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The department will appoint an advisory committee to comment on the possible rules.

Rules Drafts. The Department has not yet drafted the possible rules amendments. A draft of the proposed amendments will be available for comment before the publication of the notice of intent to adopt proposed rules. The draft rules and other rulemaking documents will be available on the Office of Freight and Commercial Vehicle Transportation's Website at: <http://www.dot.state.mn.us/cvo/rulemaking.html>

Agency Contact Person. Written or oral comments, questions or requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

William Jensen-Kowski
Minnesota Department of Transportation
Office of Freight and Commercial Vehicle Operations
First floor, Mailstop 420
395 John Ireland Blvd,
St. Paul, MN 55155,
(651) 366-3649
William.Jensen-Kowski@state.mn.us

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

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

November 4, 2019

Deb Ledvina, Director
Minnesota Department of Transportation
Office of Commercial Vehicle Operations

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 (Minnesota State) Non-Construction Related Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for P/T contract opportunities, goods/commodities, and non-construction related services on its Vendor and Supplier Opportunities website (<http://minnstate.edu/vendors/index.html>). 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.

If you have any questions regarding this notice, or are having problems viewing the information on the Vendor and Supplier Opportunities website, please call the Minnesota State Procurement Unit at 651-201-1444, Monday-Friday, 9:00 am – 4:00 pm.

Minnesota State Colleges and Universities (Minnesota State) Minneapolis Community & Technical College Request for Bids for Municipal Solid Waste & Recycling Hauler Services

Sealed Bids for: **Municipal Solid Waste & Recycling Hauler Services**
Minneapolis Community & Technical College
1501 Hennepin Ave.
Minneapolis, MN 55403

will be received by: **Roger Broz**
1312 Harmon Place, Suite M-0200 (Basement Level)
Minneapolis Community & Technical College
Minneapolis, MN 55403

Until 2 PM, local time, Tuesday, December 10, 2019 at which time the bids will be opened and publicly read aloud.

Contract Scope:

Minneapolis Community & Technical College is soliciting bids from qualified firms to provide: (1) hauling and disposal of municipal solid waste; and (2) collection, transportation and marketing of source separated recyclable

materials. To receive a copy of the Request for Bids, contact Jodi Taitt at 763-504-2445 or jodi@EcoConsilium.com.

Proposers are required to attend a pre-bid meeting on November 18, 2019 at 9:00 am to 12:30 pm. To submit a bid, attendance at this meeting is mandatory. The pre-bid meeting will be held at Technology Building, Room T-1500, Minneapolis Community & Technical College, 1501 Hennepin Avenue, Minneapolis, MN 55403. To attend the pre-bid meeting, bidders are encouraged to RSVP no later than November 15, 2019 at 4:00pm by contacting Jodi Taitt at 763-504-2445 or jodi@EcoConsilium.com.

Department of Employment and Economic Development (DEED) Notice of Request for Proposals for Agency Lease

It is the intent of the State of Minnesota (“State”) to enter into a lease for space in an existing or newly constructed building that will best serve the Department of Employment and Economic Development. The State has posted a solicitation at <https://mn.gov/admin/business/vendor-info/real-estate/solicitations-announcements.jsp>

Department of Human Rights Notice of Contract Opportunity for Education Equity Consultant

PROJECT NAME: Education Equity Consultant for the Minnesota Department of Human Right’s discipline disparities work.

DETAILS: The Minnesota Department of Human Rights (MDHR) is requesting proposals for the purpose of satisfying MDHR’s obligations and commitments to school districts and charter schools that have entered into settlement agreements with MDHR to reduce discipline disparities between white students and students of color and indigenous students, and students with and without disabilities.

The vendor will be tasked with the following principle tasks: (1) reviewing the bi-annual reports submitted by the districts and charters and providing substantive feedback to help support the districts’ and charters’ efforts to eliminate disparities in school discipline; (2) providing advice to districts and charters that request additional feedback and support about how to reduce disparities in suspensions and expulsions; and (3) facilitating the Diversion Committee and providing technical assistance as needed for the Diversion Committee and subcommittees.

Work is anticipated to start after January 6, 2019.

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

Irina Vaynerman
Deputy Commissioner
540 Fairview Ave N., Suite 201, St. Paul, MN 55104
irina.vaynerman@state.mn.us

PROPOSAL DEADLINE: Proposals submitted in response to the Request for Proposals in this advertisement must be received by **2:00 p.m., Central Time, December 6, 2019**, as indicated by a notation made by the Receptionist or the time stamp on the email. **Late proposals will not be considered.** All costs incurred in responding to this RFP will be borne by the responder. Fax responses will not be accepted or considered. **Submissions via email is preferred.**

Email Instructions

Email a copy of your proposal to Irina.Vaynerman@state.mn.us, along with the firm’s name. The proposal must be signed by an authorized member of the firm. The cost proposal must be saved in a separate document labeled “Cost Proposal,” and attached to your email.

State Contracts

Mail Instructions (email is preferred but if you submit via mail, please follow the following instructions)

Submit three copies of the proposal to:

Irina Vaynerman, Deputy Commissioner
Minnesota Department of Human Rights
540 Fairview Avenue North, Suite 201
Saint Paul, MN 55104

Proposals must be sealed in mailing envelopes or packages with the responder's name and address written on the outside. Each copy of the proposal must be signed by an authorized member of the firm. Provide one copy of the cost proposal in a separately sealed envelope clearly marked on the outside "Cost Proposal" along with the firm's name.

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 Management and Budget Notice of a Request for Proposal for Municipal Advisory Services for Various Debt Programs Managed by the State of Minnesota

The Minnesota Department of Management and Budget (MMB) is responsible for managing the issuance of debt of the State of Minnesota, including general obligation, appropriation and selected revenue bonds, as well as certain lease programs. The purpose of this procurement is to select two or more municipal advisors to assist MMB in carrying out these duties and to provide advisory services on a broad range of issues in the area of public finance.

A complete Request for Proposal is available on our website: <https://mn.gov/mmb/debt-management/bonding/rfp/>. Please cut and paste the link, or if you cannot access it you may email Jennifer Hassemer at jennifer.hassemer@state.mn.us to request a copy.

NOTE: Details concerning submission requirements, including due dates, are included in the Request for Proposal. No other personnel are authorized to discuss the project with responder before the submittal of the RFP Response.

Deadline for submission of the RFP Response is no later than **2:00 PM, CT Tuesday, December 3, 2019**.

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

Minnesota Department of Transportation (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

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.

Minnesota Zoo

Request for Bids for Treetop Trail Architectural Design and Nature Based Programming Elements

The Minnesota Zoo (Zoo) is seeking a full service architectural design team ("Design Team") to provide services from Conceptual Design (CD) advancement through Construction Administration (CA) as the Zoo endeavors to create a major new visitor attraction by repurposing an existing monorail track into an accessible walking platform through the tree canopy called the Treetop Trail.

To obtain RFB documents please contact Derik Otten via email at derik.otten@state.mn.us

Key Dates

Selection Process Timeline

- | | |
|---------------------------------|--------------------------------|
| • Pre-Proposal Meeting and Walk | November 15th at 10:30AM |
| • Questions Due | November 19th at 11AM |
| • Answers Due | November 21st at 5PM |
| • Proposals due | November 26th, 2019 at 11:00AM |
| • Interviews – if appropriate | December 9th-13th |
| • Final Selection | December 13th, 2019 |

Minnesota Zoo

Request for Proposals for Treetop Trail Construction Manager at Risk

The Minnesota Zoo (Zoo) is seeking a General Contractor to act as the Construction Manager at Risk ("CM at Risk") as the Zoo endeavors to create a major new visitor attraction by repurposing an existing monorail track into an accessible walking platform through the tree canopy called the Treetop Trail.

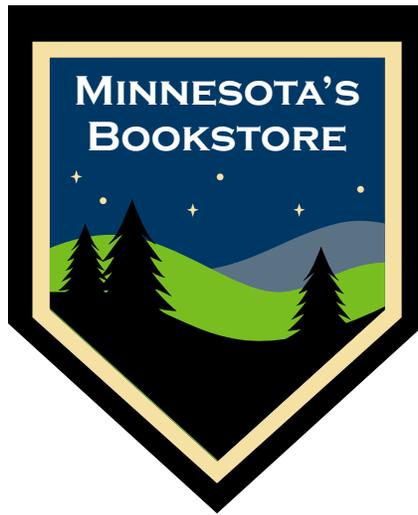
The CM-at-Risk will be responsible to provide cost estimation and constructability review during design, and provide full scale General Contractor services once the project is fully funded and approved to proceed.

To obtain RFP documents please contact Derik Otten via email at derik.otten@state.mn.us

Key Dates

Selection Process Timeline

- | | |
|---------------------------------|--------------------------------|
| • Pre-Proposal Meeting and Walk | November 15th at 10:30AM |
| • Questions Due | November 19th at 11AM |
| • Answers Due | November 21st at 5PM |
| • Proposals due | November 27th, 2019 at 11:00AM |
| • Interviews – if appropriate | December 9th-13th |
| • Final Selection | December 13th, 2019 |



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.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.**



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