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Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules; Executive Orders; Appointments; Commissioners' Orders; Revenue Notices; Official Notices; State Grants & Loans; State Contracts; Non-State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

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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- **Withdrawn Rules**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. 45 Issue Number	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)
#16	Monday 19 October	Noon Tuesday 13 October	Noon Thursday 8 October
#17	Monday 26 October	Noon Tuesday 20 October	Noon Thursday 15 October
#18	Monday 2 November	Noon Tuesday 27 October	Noon Thursday 22 October
#19	Monday 9 November	Noon Tuesday 3 November	Noon Thursday 29 October

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Governor: Tim Walz
(651) 201-3400
Lieutenant Governor: Peggy Flanagan
(651) 201-3400
Commissioner: Alice Roberts-Davis
(651) 201-2601

Facilities Management Division: Christopher A. Guevin
(651) 201-2350

Attorney General: Keith Ellison (651) 296-3353

Auditor: Julie Blaha
(651) 296-2551

Secretary of State: Steve Simon (651) 296-2803

Minnesota's Bookstore: Justin Patrick (651) 201-3203

Editor: Sean Plemmons
(651) 201-3204
sean.plemmons@state.mn.us

Subscriptions Manager: Loretta J. Diaz (651) 201-3202
loretta.diaz@state.mn.us

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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.

Board of Executives for Long Term Services and Supports

Proposed Permanent Rules Relating to Health Services Executives; 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 4621

Proposed Amendments to Rules Governing Licensure of Health Services Executives, Licensure Requirements, Course and Practicum Requirements, Academic Program Review, and Continuing Education, *Minnesota Rules*, chapter 6400.

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6400.5100 Definitions
6400.5150 Applicability (new rule)
6400.5200 Use of Title
6400.6000 Licensure Requirements
6400.6100 Applying for Licensure
6400.6500 Specific Course Requirements for Applicants Who Apply Before September 1, 2017 (repeal as obsolete)
6400.6550 Specific Course Requirements for Applicants Who Apply On Or After September 1, 2017
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6400.6870 Sponsoring Continuing Education
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Introduction. The Minnesota Board of Executives for Long Term Services and Supports ("Board") 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 November 12, 2020, the Board will hold a public hearing via WebEx. The Board will post a WebEx link on its website, ***https://mn.gov/boards/nursing-home/*** before the start of the hearing on December 1, 2020. Interested persons will be able to join the WebEx prior to the start of the hearing by clicking on the WebEx link. Administrative Law Judge Jim Mortenson will conduct the hearing starting at 9:30 a.m. on December 1, 2020.

To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after November 12, 2020 and before December 1, 2020.

Board Contact Person. The Board contact person is:

Randy Snyder, Executive Director
Minnesota Board of Examiners for Nursing Home Administrators
2829 University Avenue SE, Suite 404
Minneapolis, Minnesota 55402
randy.snyder@state.mn.us
(651) 201-2731

Subject of Rules and Statutory Authority. The proposed rule amendments fall into the following categories:

- Licensure of Health Services Executives Amendments - The legislature passed legislation in the 2019 session that requires that the Board license health services executives. The rule amendments that fall into this category are in compliance with the legislative directive.

- Housekeeping Amendments – The rule amendments that fall into this category are either to bring the rules in compliance with current legislation, to more clearly state Board practices, or to update rule language with contemporary terminology.

- Substantive Amendments – The rule amendments that fall into this category are the following: (1) an addition to the practicum course rule that allows applicants to undergo the NAB administrator in training program with a completed assessment in addition to a board approved course; (2) an addition to the practicum course rule that requires applicants to experience a QAPI or root cause analysis process; and (3) an addition to the continuing education rule that allows the Board to require continuing education in specific subject areas with appropriate notice to licensees.

A copy of the proposed rules is published in the *State Register* and attached to this Notice as mailed.

Statutory Authority. Minnesota Statutes section 144A.20, .21, .23, .24, and 214.06 authorize the Board to adopt rules necessary to administer and enforce sections 144A.04 through 144A.28. House File No. 90, passed during the 2019 legislative session, authorized the Board to pass rules to incorporate the health services executive license and to change the name of the Board.

Public Comments and Requests for Hearing. Interested persons or groups may submit comments, information, or requests for a hearing on these rules before 4:30 pm on November 12, 2020, to the Office of Administrative Hearings Rulemaking eComments website at ***https://minnesotaoah.granicusideas.com/discussions***

All comments must be in writing and be received on the OAH eComments website before the due date. Comment is encouraged. Comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. Comments may also include proposed changes. Any comments about the legality of the proposed rules must also be made during this comment period.

In addition to submitting comments, requests that the Board hold a hearing on the rules may also be submitted to the eComments website. The request for a public hearing must be in writing and be posted on the OAH eComments website before the due date. Requests for hearing need to include the name and address of the requestor and the proposed rule or rules at issue. 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. Please also state the reason for the request and any suggested changes to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Board 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 Board must give written notice of this to all persons who requested a hearing, explain the actions the Board took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Board 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 Board contact person at the address or telephone number listed above.

Modifications. The Board 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 Board or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Board will cancel the hearing scheduled for December 1, 2020, if the Board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Board will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person after the comment period ends 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 Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board 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 Jim Mortenson is assigned to conduct the hearing. Judge Mortenson can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

Hearing Procedure. If 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on November 12, 2020, the Board will hold a public hearing via WebEx. The Board will post a WebEx link on its website, ***https://mn.gov/boards/nursing-home/*** before the start of the hearing on December 1, 2020. Interested persons will be able to join the WebEx prior to the start of the hearing by clicking on the WebEx link. Administrative Law Judge Jim Mortenson will conduct the hearing starting at 9:30 a.m. on December 1, 2020.

If the Board holds a hearing, all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Interested parties may present 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. Interested parties may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends.

At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the Board 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.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so using the eComments website: ***https://minnesotaoah.granicusideas.com/discussions*** If using the eComments website is not possible, post-hearing comments may be submitted in person, via United States mail, or by facsimile addressed to Judge Mortenson at the address or facsimile number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at the Board or on the Board's website at https://mn.gov/boards/nursing-home/. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Any questions about the procedure may be directed to the Administrative Law Judge.

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 Board contact person and on the Board's website at ***https://mn.gov/boards/nursing-home/*** . Please contact the Board contact person to obtain copies at the cost of reproduction.

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

Adoption Procedure if No Hearing. If no hearing is requested or required, the Board may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. Interested persons may ask to be notified of the date the rules are submitted to the office. If an interested person would like to receive notice of this, to receive a copy of the adopted rules, or to register with the Board to receive notice of future rule proceedings, submit a request to the Board 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. Interested persons may ask, at the hearing or in writing to the Administrative Law Judge, to be notified of the date that the Administrative Law Judge's report will become available. Interested persons may also ask, at the hearing or in writing to the Board contact person, to be notified of the date that the Board adopts the rules and the rules are filed with the Secretary of State.

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

Date: September 14, 2020

Randy Snyder
Executive Director

6400.5000 SCOPE.

This chapter applies to:

A. individuals who:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) are applicants or prospective applicants for licensure as health services executives under Minnesota Statutes, section 144A.26;

~~(3)~~ (4) are licensees of the board; and

~~(4)~~ (5) hold permits issued by the board to serve as acting administrators under Minnesota Statutes, section 144A.27;

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

6400.5100 DEFINITIONS.

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

Subp. 3a. **Administrator in residence or AIR.** "Administrator in residence" or "AIR" means an individual who works, as part of a formal AIR program, under the guidance and supervision of a preceptor who is a licensed administrator or a health services executive meeting the qualifications established for preceptors by their respective states.

Subp. 3b. **Administrator in residence program or AIR program.** "Administrator in residence program" or "AIR program" means a supervised internship during which the AIR works under the guidance and supervision of a preceptor who is a licensed administrator or health services executive meeting the qualifications established for preceptors by their respective states.

[For text of subparts 4 to 9a, see Minnesota Rules]

Subp. 9b. **Health services executive or HSE.** "Health services executive" or "HSE" means an individual who has been validated by NAB as a health services executive and has met the education and practice requirements for the minimum qualifications of a nursing home administrator, assisted living director, and home and community-based services provider. The HSE meets the Minnesota requirement for the administrator of record, required for the Centers for Medicare and Medicaid Services (CMS) minimum requirements of participation.

Subp. 10. **License.** "License" means a written document issued by the board to indicate that the bearer has been found by the board to meet all requirements for practice as a licensed nursing home administrator or a health services executive in Minnesota. It includes an original license issued for meeting the requirements of part 6400.6000, a renewal license issued for meeting the requirements of part 6400.6700, and a reinstated license issued under part 6400.6750. It does not include a permit to serve as an acting administrator.

Subp. 11. **Licensee.** "Licensee" means an individual who holds a valid license to practice as a nursing home administrator or health services executive granted by the board under this chapter.

[For text of subparts 12 to 15, see Minnesota Rules]

Subp. 16. **Preceptor.** "Preceptor" means a nursing home administrator or health services executive who meets the standards in part 6400.6600, subpart 3, and supervises an applicant for licensure during the practicum course.

Subp. 16a. **Quality assurance performance improvement or QAPI.** "Quality assurance performance improvement" or "QAPI" means a procedure that seeks to ensure continuous quality improvement. QAPI is not a standardized procedure but challenged by unique environmental factors and leadership skills to encourage and support people.

[For text of subpart 17, see Minnesota Rules]

Subp. 18. **Root cause analysis or RCA.** "Root cause analysis" or "RCA" means a method of problem-solving used for identifying the root causes of faults or problems.

6400.5150 APPLICABILITY.

Parts 6400.5200 to 6400.6900 apply to nursing home administrators and health services executives.

6400.5200 USE OF TITLE.

Subpart 1. **Licensed nursing home administrator.** Only an individual who is qualified as a licensed nursing home administrator and who holds a valid license under this chapter for the current licensure period may use the title "Licensed Nursing Home Administrator" and the abbreviation "L.N.H.A." after the individual's name.

Subp. 2. **Licensed health services executive.** Only an individual who is qualified as a licensed health services executive and who holds a valid license under this chapter for the current licensure period may use the title "Licensed Health Services Executive" and the abbreviation "L.H.S.E." after the individual's name.

6400.6000 LICENSURE REQUIREMENTS.

Subpart 1. **License; nursing home administrator.** The board shall issue an individual a license to practice as a nursing home administrator in Minnesota upon determining that the individual:

[For text of items A to F, see Minnesota Rules]

G. has successfully completed a criminal background check;

~~G.~~ H. has not had an application rejected by the board under part 6400.6100, subpart 5; and

~~H.~~ I. has paid the required fees ~~required under part 6400.6970~~.

Subp. 2. **License; health services executive.** The board shall issue an individual a license to practice as a health services executive in Minnesota upon determining that the individual:

A. has filed a completed application for licensure under part 6400.6100;

B. meets the requirements in Minnesota Statutes, section 144A.26, subdivision 2;

C. has passed the state examination given by the board to test knowledge of Minnesota laws governing nursing facility operations in Minnesota;

D. has successfully completed a criminal background check;

E. has not had an application rejected by the board under part 6400.6100, subpart 5; and

F. has paid the required fees.

6400.6100 APPLYING FOR LICENSURE.

Subpart 1. **Application contents.** An individual applying for licensure shall do so electronically or on forms provided by the board. The information requested shall include personal identifying and locating data including name, home and work addresses and telephone numbers, active e-mail addresses, and Social Security number; education and degree information; employment and practice history; licensure and disciplinary history; and information relating to criminal convictions, use of alcohol and drugs, and other issues which may reflect on ability and fitness to practice. The application shall also include a recent full-face two-inch by three-inch photograph affixed to the application as indicated and notarized as a true likeness. The notary seal shall be placed next to the picture and shall fall partly upon the photograph and partly upon the application.

[For text of subparts 2 to 6, see Minnesota Rules]

6400.6550 SPECIFIC COURSE REQUIREMENTS ~~FOR APPLICANTS WHO APPLY ON OR AFTER SEPTEMBER 1, 2017~~.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **~~Managerial~~ Health care accounting.** An applicant must complete a course in ~~managerial~~ health care accounting, beyond introductory accounting, covering:

[For text of items A and B, see Minnesota Rules]
[For text of subparts 3 and 4, see Minnesota Rules]

Subp. 5. **Long-term care services and supports ~~and services~~.** An applicant must complete a course in the organization, operations, functions, services, and programs of long-term care services and supports ~~and services~~ covering:

[For text of items A to E, see Minnesota Rules]
[For text of subparts 6 to 8, see Minnesota Rules]

Subp. 9. **Practicum.** An applicant must complete or have waived, based upon prior experience under part ~~6400.6650, subpart 1, item A~~ 6400.6655, subpart 2, a practicum course as described in part 6400.6600.

[For text of subpart 10, see Minnesota Rules]

6400.6560 WAIVER OF ALL COURSE REQUIREMENTS.

Subpart 1. **Waiver of all course requirements.** The board shall waive part ~~6400.6500~~ 6400.6550 if the applicant meets all other licensure requirements and submits satisfactory evidence of having actively and effectively served full time for a minimum of two continuous years within the immediate past five years as the licensed nursing home administrator and chief executive officer of one or more nursing facilities in a single jurisdiction regulated by the licensing board of that jurisdiction. Time working as an acting administrator under an acting license or permit or as an ~~administrator-in-training~~ administrator in residence does not count to meet this requirement. To determine the effectiveness of the applicant's service, the board shall review the results of the two most recent regulatory inspections of the nursing facilities administered by the applicant.

Subp. 2. [Repealed, 24 SR 1780]

6400.6570 EVIDENCE OF COURSE COMPLETION.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Supplementing evidence older than seven years.** Evidence presented under subpart 1 for completion of academic programs, including the practicum course, or academic courses taken more than seven years prior to the submittal of the information to the board must be supplemented by either:

[For text of items A and B, see Minnesota Rules]
[For text of subpart 3, see Minnesota Rules]

6400.6600 PRACTICUM COURSE.

Subpart 1. **Requirements and content.** The practicum course must be the NAB administrator in residence program with a completed assessment or a course approved by the board and taken for academic credit at an accredited postsecondary institution. It must provide practical learning experiences to complement the student's academic training and work or volunteer experience in long-term care, general health care, and management. Except as provided in ~~this~~ subpart 1a, the practicum must include, but need not be limited to, the following:

[For text of items A to D, see Minnesota Rules]

E. participation in an in-service education session; ~~and~~

F. completion of a major project, study, or research effort designed to improve operations at the facility or provide information upon which a major decision facing the facility and its management can be made~~.~~; and

G. after assessment, the completion of a QAPI or RCA on identified areas of need.

Subp. 1a. **Exception to requirements and content.** Subpart 1, items B and E, need not be included in the practicum of a student taking a practicum of 200 hours or less if the student has participated in the specified activities during prior health care work experience.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Preceptor requirements.** The practicum must be supervised by a preceptor who is a currently licensed nursing home administrator or health services executive who has been licensed and practicing as a nursing home administrator or health services executive for at least two years. A preceptor may not supervise a student who is a related individual or who resides in the immediate household of the preceptor.

[For text of subpart 4, see Minnesota Rules]

6400.6655 PRACTICUM DURATION ~~FOR APPLICANTS WHO APPLY ON OR AFTER SEPTEMBER 1, 2017~~.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Waiver and minimum number of hours.** An individual may qualify for a reduction in hours or waiver of the 1,000-hour practicum by providing evidence of the following documented health care experience and satisfying the board-approved assessment tool:

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

C. 500 hours for an individual who has served two or more years as a department manager with supervisory and budgetary responsibility ~~and~~ or meets one or more of the following criteria:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) the individual has served as a housing manager in ~~a~~ an assisted living facility or registered housing with services establishment that has an arranged comprehensive home care license;

[For text of item D, see Minnesota Rules]

E. the documented experience requirement is waived for an individual who has one year of continuous full-time employment as the assistant administrator, chief executive officer, senior leadership person with a nursing home administrator or health services executive reporting directly to them, or an equivalent role with responsibility for both resident care and administrative functions. Time working as an acting administrator under an acting license or permit in the same nursing facility where the individual also served as the assistant administrator, chief executive officer, or equivalent role meets this requirement if the individual's employment under both titles combined was one continuous year.

[For text of subparts 3 and 4, see Minnesota Rules]

6400.6660 ACADEMIC PROGRAM REVIEW.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Requesting course review.** In submitting a program of study offered by an academic institution to meet all or some of the course requirements, the institution shall provide the following information in an application package for review by the board:

[For text of items A to G, see Minnesota Rules]

H. identification of one or more qualified faculty members to:

[For text of subitems (1) and (2), see Minnesota Rules]

(3) provide instruction, or evidence of the use of the NAB preceptor training materials and self-assessment, to any administrator becoming a preceptor for the first time after September 1, 1997, regarding objectives for the practicum and procedures to follow to structure and supervise a successful practicum experience for a student; and

[For text of subitem (4), see Minnesota Rules]

[For text of subparts 3 to 6, see Minnesota Rules]

6400.6700 ~~RECIPROCITY~~ ENDORSEMENT.

Subpart 1. **License; nursing home administrator.** The board shall issue a license to a nursing home administrator who has been issued and currently holds a license as a nursing home administrator in another jurisdiction provided that:

[For text of items A to C, see Minnesota Rules]

D. the applicant has ~~made application~~ applied for licensure ~~under part 6400.6100~~ and paid the applicable fees ~~under part 6400.6970~~.

Subp. 2. **License; health services executive.** The board shall issue a license to a health services executive who has been issued and currently holds a license as a health services executive in another jurisdiction provided that the applicant:

A. meets the requirements in Minnesota Statutes, section 144A.26, subdivision 2;

B. is in good standing as a health services executive in each jurisdiction from which the applicant has ever received a health services executive license; and

C. has applied for licensure and paid the applicable fees.

6400.6710 LICENSEE RESPONSIBILITIES.

Each licensee shall:

A. comply with the laws of Minnesota and the rules of the board and other Minnesota state agencies regarding licensure as a nursing home administrator or health services executive and operation of a nursing facility in Minnesota;

[For text of item B, see Minnesota Rules]

C. provide notice to the board within five working days of any change in employment as a nursing home administrator or health services executive for a nursing facility;

D. provide notice to the board within five working days of the occurrence of any reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action or the bringing of charges against any license the licensee holds as a nursing home administrator, health services executive, or other health care professional in Minnesota or any other jurisdiction; and

[For text of item E, see Minnesota Rules]

6400.6720 DISPLAYING LICENSES.

A licensee actively practicing ~~as a nursing home administrator~~ shall display the board-issued license, not a photocopy, in a conspicuous place in the facility which the licensee administers, visible to residents and visitors.

6400.6740 RENEWING LICENSES.

Subpart 1. **Forms, time for renewal.** Every individual who holds a valid license ~~as a nursing home administrator~~ issued by the board shall annually apply to the board on or before June 1 for renewal of the individual's license and shall report any information pertinent to continued licensure requested by the board on forms provided for that purpose. The applicant shall submit evidence satisfactory to the board and subject to audit under part 6400.6800, subpart 3, that during the annual period immediately preceding the renewal application the licensee has complied with the rules of the board and completed continuing education requirements for license renewal.

Subp. 2. **Fees.** Upon making an application for license renewal, the licensee shall pay the annual fee ~~as specified under part 6400.6970~~. If submitting CE credits which include clock hours for workshops, seminars, institutes, or home study courses which have not been preapproved by the board, the licensee shall also pay a fee for review of clock hours based upon the total number of nonpreapproved clock hours being submitted for CE credit to meet renewal requirements. If the application for renewal has not been received by June 30 of each year, the license shall lapse and the holder of a lapsed license shall be subject to the reinstatement procedure and late renewal fees.

[For text of subpart 3, see Minnesota Rules]

6400.6750 LICENSE REINSTATEMENT.

A nursing home administrator or health services executive previously licensed in this state whose license has lapsed may apply under items A to C for reinstatement of a license within five years of the date the individual was last licensed.

If an individual's license has been revoked or if the individual has not been licensed for five years or more, the license cannot be reinstated but the former licensee may apply for relicensure under the requirements in part 6400.6000.

[For text of item A, see Minnesota Rules]

B. If a license has been lapsed in Minnesota for more than two years but less than five years prior to the date of the application for reinstatement and the former licensee has been continuously licensed as a nursing home administrator or health services executive in one or more other jurisdictions since the date the license lapsed in Minnesota, the board must reinstate the license if the former licensee has not had disciplinary action against a license in Minnesota or another jurisdiction during the time the Minnesota license was lapsed and the former licensee:

[For text of subitems (1) to (4), see Minnesota Rules]

[For text of item C, see Minnesota Rules]

6400.6800 CONTINUING EDUCATION REQUIREMENTS.

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

Subp. 4. **Acceptable content for CE activities.** Unless otherwise specified in part 6400.6850, the content of continuing education activities must relate to one or more of the following:

[For text of items A to C, see Minnesota Rules]

D. responsibilities, tasks, knowledges, skills, and abilities required to perform nursing home administrator or health services executive functions as outlined in the NAB domains of practice.

Subp. 5. **Unacceptable content for CE activities.** Subjects for continuing education which will not be accepted to meet license renewal requirements include, but are not limited to, general personal development including stress management, facility or company orientation, facility or company policies or procedural issues, organizational functions such as business meetings and election of officers, and medical treatment at a clinical level beyond that required for licensure as a nursing home administrator or health services executive.

Subp. 6. **Requirements; subject areas.** When compelled by an advancement in scope of practice or emerging long-term services and supports issues, the board shall require all licensees to attend continuing education programs in specified subject areas after giving public written notice to each licensee on or before May 1.

6400.6850 NUMBER OF CE CREDITS FOR ACTIVITIES.

Acceptable activities to meet continuing education requirements for license renewal and the number of CE credits that licensees may obtain for each are described in items A to K.

[For text of items A to C, see Minnesota Rules]

D. A licensee who attends, in another state, seminars, webinars, institutes, or workshops approved by the nursing home administrator or health services executive licensing authority of the other state shall receive CE credit on the basis of the number of clock hours attended. To verify clock hours of attendance at seminars, institutes, or workshops approved by another state licensing authority, the licensee must maintain a certificate of attendance from the sponsor including verification of the approval from the state licensing authority.

[For text of items E and F, see Minnesota Rules]

G. A licensee who presents a paper or lecture on a topic related to long-term services and supports of at least one hour at a national or statewide meeting shall receive two CE credits per one hour of initially presented lectures and one CE credit per hour of lectures repeating ~~earlier~~ previously presented material to a maximum of ten CE credits per year. To verify the presentation, the licensee must maintain a copy of the text of the information delivered and a copy of the program for the conference or workshop at which the paper or lecture was delivered.

H. A licensee who delivers a lecture on a topic related to long-term services and supports of at least one hour at an academic institution or through a course provider shall receive two CE credits per one hour of initially presented ~~lecture~~ lectures and one CE credit per hour of ~~lecture~~ lectures repeating ~~earlier~~ previously developed material to a maximum

of ten CE credits per year. To verify lecture delivery, the licensee shall maintain corroboration from the participating academic institution.

I. A licensee who serves as a member of a board, committee, council, or work group which includes members from several nursing facilities or organizations and deals primarily with issues in nursing facility operation or long-term care shall receive ~~one clock hour~~ CE credit per membership position held provided the group meets at least quarterly or for at least four hours of work in a year to a maximum of six CE credits per year for all membership positions combined. Where the licensee verifies that the licensee's participation on a single board, committee, council, or work group exceeded the minimum specified for a single CE credit by double the amount of hours of attendance, the licensee shall receive two CE credits per membership position to a maximum of six CE credits per year for all membership positions combined. To verify board, committee, council, or work group participation the licensee must maintain written verification of membership and attendance from an officer of the group and must provide the learning objectives of the meeting.

[For text of items J and K, see Minnesota Rules]

6400.6870 SPONSORING CONTINUING EDUCATION.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Licensee sponsored programs and courses.** A ~~licensed administrator~~ licensee who attends a seminar, institute, or workshop, or participates in a home study course which has not been reviewed and approved by the board for a sponsor, may serve as the sponsor of a program and obtain review of the program and assignment of clock hours by submitting to the board office:

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

[For text of subparts 3 to 5, see Minnesota Rules]

Subp. 6. **Course program provider waiver.** A course program provider approved by the board is exempt from the annual fee by validating attendance and recording and merging the verified attendance records with the board's online continuing education attendance system.

6400.6900 GROUNDS FOR DISCIPLINE.

Subpart 1. **Criteria.** The board may impose disciplinary action as described in subpart 2 against an applicant, the holder of a permit to serve as an acting administrator, or a licensee, when the board determines, by a preponderance of the evidence and after due notice and an opportunity to be heard at a contested case hearing, that the applicant, permit holder, or licensee:

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

C. is not eligible to be employed as a nursing home administrator or health services executive under Minnesota Statutes, section 144A.04, subdivision 6;

[For text of item D, see Minnesota Rules]

E. has violated a statute, rule, or order that the board issued or is empowered to enforce or that pertains to administration of a nursing facility or to the responsibilities of a nursing home administrator or health services executive;

[For text of item F, see Minnesota Rules]

G. has committed acts of misconduct substantially related to the qualifications, function, or duties of a nursing home administrator or health services executive and evidenced unfitness to perform as a nursing home administrator or health services executive in a manner consistent with protecting resident health, safety, and welfare;

H. has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the conduct relates to the practice of nursing home administration, that adversely affects the individual's ability or fitness to practice as a nursing home administrator or health services executive;

[For text of items I to L, see Minnesota Rules]

M. has practiced fraud, deceit, cheating, or misrepresentation, or provided misleading omission or material mis-

statement of fact, in securing, procuring, renewing, or maintaining a ~~nursing home administrator~~ license;

N. has used the licensee's professional status, title, position, or relationship as a ~~nursing home administrator or~~ licensee to coerce, improperly influence, or obtain money, property, or services from a resident, resident's family member or visitor, employee, or any person served by or doing business with the nursing facility that the licensee administers or is employed by;

[For text of items O and P, see Minnesota Rules]

Q. has practiced fraudulent, misleading, or deceptive advertising with respect to the facility of which the licensee is administrator or health services executive;

[For text of items R to U, see Minnesota Rules]

V. has been the subject of a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's nursing home administrator or health services executive license in another jurisdiction;

W. has failed to report a reprimand, restriction, limitation, condition, revocation, suspension, surrender, or other disciplinary action against the person's license as a nursing home administrator or health services executive in another jurisdiction or failed to report the existence of a complaint or other charges against the person's nursing home administrator or health services executive license in this or another jurisdiction or has been refused a license as a nursing home administrator or health services executive by any other jurisdiction for reasons not related strictly to a difference in academic or experience requirements among jurisdictions; ~~or~~

X. has abused or is dependent on alcohol, a legend drug as defined in Minnesota Statutes, chapter 151, a chemical as defined in Minnesota Statutes, chapter 151, or a controlled substance as defined in Minnesota Statutes, chapter 152, and this abuse or dependency has affected the performance of the licensee's duties~~.~~; or

Y. has failed to meet minimum standards of acceptable and prevailing practice when supervising an administrator in residence during the practicum.

[For text of subparts 2 and 3, see Minnesota Rules]

REFERENCE CHANGE. The reference to part 6400.6500 is changed to part 6400.6550 wherever it appears in Minnesota Rules, chapter 6400.

REPEALER. Minnesota Rules, parts 6400.6500 and 6400.6650, are repealed.

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders. as well as Emergency Executive Orders. The governor's authority is specified in the Constitution of the State of Minnesota, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order 20-91: Providing Public Safety Assistance during Potential Civil Unrest

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

Recent events have raised the potential of civil unrest in the City of Minneapolis and nearby communities. The Mayor of Minneapolis has requested assistance from the State, including the Minnesota National Guard, to support public safety and security and to help respond to potential civil unrest. The National Guard can supplement local law enforcement efforts to keep the peace, ensure public safety, and allow for peaceful demonstrations. Based upon my earlier verbal orders, the National Guard has already begun preparations. Deployment of the necessary units requires activation to state service.

The State Emergency Operations Center ("SEOC") is currently activated for the COVID-19 response and has implemented the Minnesota Emergency Operations Plan. State agencies are providing assistance to local governments. The SEOC will concurrently support both the COVID-19 response and assistance needed by the City of Minneapolis and nearby communities.

For these reasons, I order as follows:

1. The Adjutant General will order to state active duty on October 7, 2020 the personnel, equipment, and facilities needed to provide public safety services and security assistance in the City of Minneapolis and nearby communities.

2. The Adjutant General is authorized to procure the goods and services needed to accomplish the mission.

3. The Department of Public Safety's Division of Homeland Security and Emergency Management will continue to coordinate the provision of on-site support and assistance to affected local units of government and assess the need for supplementary emergency assistance.

4. State agencies, in cooperation with appropriate federal agencies, will provide assistance to local units of government.

5. The costs of this assistance will be paid from the general fund as allowed by Minnesota Statutes 2019, section 192.52.

This Executive Order is effective immediately under Minnesota Statutes 2019, section 4.035, subdivision 2. It remains in effect until such date as National Guard resources are no longer required.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on October 7, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Proclamations

Proclamations by the Governor (*Minnesota Statutes* § 4.04) may be published in the State Register. All proclamations of the Governor required or authorized by law shall be filed with the Secretary of State. Extra Sessions of the Legislature are called by means of a proclamation. The Governor also proclaims one day in each year as a day of solemn and public thanksgiving and no official state business may be transacted on that day.

Office of the Governor

Proclamation Declaring a Fifth Special Session in 2020

WHEREAS: The Ninety-First Legislature adjourned its regular session on May 17, 2020; and

WHEREAS: I called the Legislature into special sessions in June, July, August, and September 2020, the Legislature adjourned those special sessions, and the Legislature is not currently in session; and

WHEREAS: The COVID-19 pandemic continues to threaten Minnesotans and burden our State's resources; and

WHEREAS: The Minnesota Constitution allows the Governor to call a special session of the Legislature on extraordinary occasions; and

WHEREAS: Minnesota Statutes 2019, section 12.31, subdivision 2(b), provides that, if the Governor determines a need to extend a peacetime emergency beyond 30 days and the Legislature is not sitting in session, the Governor must issue a call immediately convening both houses of the Legislature; and

WHEREAS: An extraordinary occasion, as envisioned by the Minnesota Constitution, has arisen, and it is necessary to extend the COVID-19 Peacetime Emergency originally declared on March 13, 2020.

NOW, THEREFORE, I, TIM WALZ, Governor of Minnesota, by the authority vested in me by Article IV, Section 12 of the Minnesota Constitution and Sections 4.03 and 12.31 of the Minnesota Statutes, summon the members of the Legislature to convene in a Fifth Special Session on Monday, October 12, 2020 at 12:00 p.m. at the State Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol on Wednesday, October 7, 2020.

GOVERNOR

SECRETARY OF STATE

Filed October 7, 2020
Office of the Minnesota
Secretary of State
Steve Simon

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Minnesota Department of Revenue

Revenue Notice # 20-03: Tobacco Products Tax – Out-of-State Retailers – Collection Responsibility

Introduction

On June 21, 2018, the U.S. Supreme Court issued its decision in *South Dakota v. Wayfair, Inc., et al.*, 138 S. Ct. 2080 (2018) ("*Wayfair*"). The U.S. Supreme Court held that when a business has substantial nexus with a state, physical presence in a state is not constitutionally required when determining whether a state can impose tax collection and payment responsibilities.

This revenue notice applies *Wayfair* to Chapter 297F tax. More specifically, the revenue notice applies *Wayfair* to excise tax collection and payment responsibilities of out-of-state retailers that:

(1) Meet the definition of "out-of-state retailer" found in *Minnesota Statutes* section 297F.01, subdivision 10a; and

(2) Make "delivery sale[s]" of "tobacco products" to Minnesota consumers as defined in *Minnesota Statutes* section 325F.781, subdivision 1. (The definition of "tobacco products" in *Minnesota Statutes* section 325F.781, subdivision 1, includes only "cigarettes," "smokeless tobacco," and "premium cigars.")

Retailers meeting these two criteria are referred to in this revenue notice as "Out-of-State Tobacco Product Retailers."

Minnesota Statutes section 325F.781, subdivision 6, states that "[p]rior to shipping any tobacco products to a purchaser in this state, the out-of-state retailer shall comply with all requirements of chapter 297F and shall ensure that all state excise taxes and fees that apply to such tobacco products have been collected and paid to the state…" This provision is referred to in this revenue notice as the "Ensure-Payment Provision." The Ensure-Payment Provision requires Out-of-State Tobacco Product Retailers to collect and remit all state excise tax that applies to the tobacco products, which currently means collecting and remitting to the Department consumer use tax imposed by Chapter 297F.

Note that the obligation of Out-of-State Tobacco Product Retailers to comply with the Ensure-Payment Provision, which is triggered by meeting *Wayfair* sales thresholds, is separate from the obligation of such retailers to register with the Department. Under *Minnesota Statutes* section 297F.031, Out-of-State Tobacco Product Retailers must register with the Department prior to making any delivery sales of tobacco products to Minnesota consumers, regardless of whether their delivery sales meet Wayfair sales thresholds.

Department Position

Applying *Wayfair*, an Out-of-State Tobacco Product Retailer with no physical presence in Minnesota is subject to the Ensure-Payment Provision and has nexus with Minnesota if, during the prior 12-month period, the Out-of-State Tobacco Product Retailer made:

(1) 200 or more delivery sales of tobacco products from outside Minnesota to destinations in Minnesota by common carrier or otherwise; or

(2) Delivery sales of tobacco products totaling more than $100,000 from outside Minnesota to destinations in Minnesota by common carrier or otherwise.

The above two nexus criteria will be collectively referred to as "*Wayfair* thresholds" in this revenue notice.

Under the Ensure-Payment Provision, an Out-of-State Tobacco Product Retailer:

(1) Must begin collecting and remitting tax on the first day of a calendar month occurring no later than 60 days after such retailer, in a 12-month period, met either of the *Wayfair* thresholds;

(2) Must continue to collect and remit tax until at least the last day of the 12th calendar month following the calendar month in which such retailer began collecting and remitting tax under paragraph (1);

(3) May cease such activities after the 12-month period described in paragraph (2), if such retailer no longer meets either of the *Wayfair* thresholds;

(4) May cease collection and remittance of tax under paragraph (3) only after notifying the Department that such retailer no longer meets either of the *Wayfair* thresholds. If the retailer subsequently requalifies under either of the *Wayfair* thresholds, the retailer shall again comply with the requirements of paragraphs (1) and (2); and

(5) Must file a return and pay, on or before the 18th day of the following calendar month, any tax it collected under the Ensure-Payment Provision.

Examples

(1) An Out-of-State Tobacco Product Retailer that does not maintain a place of business in Minnesota solicits sales of premium cigars. In the 12-month period from November 2019 through October 2020, the Out-of-State Tobacco Product Retailer made 210 Delivery Sales of premium cigars to Minnesota consumers, with a total value of $90,000. Because the number of Delivery Sales to Minnesota consumers in the past 12 months exceeds 200, the Out-of-State Tobacco Product Retailer must collect and remit the premium cigar use tax imposed by *Minnesota Statutes* section 297F.05, subdivision 4a, to the Department on the first day of the calendar month occurring no later than 60 days after October 31, 2020. This means the retailer must start collecting and remitting tax no later than December 1, 2020. Tax collected in December 2020 is due by January 18, 2021.

(2) An Out-of-State Tobacco Product Retailer that does not maintain a place of business in Minnesota solicits sales of premium cigars. In the 12-month period from February 2020 through January 2021, the Out-of-State Tobacco Product Retailer made 190 Delivery Sales of premium cigars to Minnesota consumers, with a total value of $125,000. Because the amount of its Delivery Sales to Minnesota consumers in the past 12 months exceeds $100,000, the Out-of-State Tobacco Product Retailer must collect and remit the premium cigar use tax imposed by *Minnesota Statutes* section 297F.05, subdivision 4a, to the Department starting on the first day of the calendar month occurring no later than 60 days after January 31, 2021. This means the retailer must start collecting and remitting tax no later than March 1, 2021. Tax collected in March 2021 is due by April 18, 2021.

(3) An Out-of-State Tobacco Product Retailer that does not maintain a place of business in Minnesota solicits sales of premium cigars. In the 12-month period from July 2020 through June 2021, the Out-of-State Tobacco Product Retailer made 152 Delivery Sales of premium cigars to Minnesota consumers, with a dollar value of $95,000. Because the Delivery Sales fall below *Wayfair* thresholds, the Department does not require the Out-of-State Tobacco Product Retailer to collect and remit tax for the time period at issue.

Publication Date: October 12, 2020 Lee Ho, Deputy Commissioner

Official Notices

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

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

Minnesota Department of Agriculture (MDA)

Notice of Comment Period for the Proposed Emerald Ash Borer Quarantine in Carver and Sibley County

The Minnesota Department of Agriculture (MDA) is accepting comments on the current state emergency quarantine for emerald ash borer, *Agrilus planipennis* (Fairemaire), in Carver and Sibley County and the proposal for a state formal quarantine to be implemented in both counties.

Oral and written comments regarding the proposed regulations will be accepted via email, phone or fax through November 20, 2020. A public meeting will be scheduled soon. Submit comments to Kimberly Thielen Cremers, Minnesota Department of Agriculture, 625 Robert Street North, St Paul, MN 55155,
email: ***kimberly.tcremers@state.mn.us***, **phone**: (651)201-6329, **fax**: (651)201-6108.

For more information on emerald ash borer, including a copy of the emergency quarantine, visit the Minnesota Department of Agriculture website at ***www.mda.state.mn.us/eab***.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: *http://www.grants.state.mn.us/public/*

Department of Human Services

Behavioral Health Division

Notice of Request for Proposals to Provide State-Wide training and consultation in the Diagnostic Classification of Mental Health and Development Disorder of Infancy and Early Childhood (or the current version of the DC:0-5™)

The Minnesota Department of Human Services (DHS) is requesting proposals to *provide at least five annual state-wide trainings on the Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood; provide monthly facilitation of the two-hour Great Start Clinicians' Group on the administration of the DC:0-5™, provide training to State-identified clinicians on the DC:0-5™ Train the Trainer model developed by Zero to Three: provide up to three Advance Case Studies in the DC:0-5™ for up to 10 DC:0-5™ trained clinicians per training ; and provide training and consultation to psychologists on the administration of early childhood psychological assessments (Bayley IV; WPPSI-IV; ADOS-2 or current versions) bi-annually*.

DHS is seeking proposals for the grant period July 1, 2021 through June 30, 2026.

For more information, or to obtain a copy of the Request for Proposals, contact:

Catherine Wright
Department of Human Services
Behavioral Health Division

Phone: (651)431-2336 Fax: (651) 431-7566

Catherine.wright@state.mn.us

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

To obtain this information in a different format, please call 651-431-3612.

Proposals submitted in response to this Request for Proposals must be received via email to ***Catherine.wright@state.mn.us*** no later than **4:00 p.m., Central Time, December 15, 2020. Late proposals will not be considered.**

The RFP can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) web site: ***https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/***

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

Department of Human Services

Economic Assistance and Employment Supports Division (EAESD)

Notice of Request for Proposals for Qualified Responders to Provide Rapid Re-Housing, Homelessness Prevention Assistance, and/or Emergency Shelter

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals from qualified responders to provide Rapid Re-Housing, Homelessness Prevention Assistance, and/or Emergency Shelter. This request for proposals seeks eligible entities (non-profit organizations, local units of government, Public Housing Agencies, and Local Re-Development Authorities) to provide rapid re-housing, homelessness prevention, and/or emergency shelter (including drop-in centers or overnight warming shelters) to youth, single adults, and/or families.

The State of Minnesota will distribute between $14-15 million of funds made available through the second allocation of the Emergency Solutions Grant (ESG) Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136). Because the Department of Human Services is the balance of state recipient for ESG allocations, funds distributed via this RFP are prioritized for entities providing services in non-entitlement areas. Minnesota's ESG-CV2 entitlement area recipients include Duluth, Minneapolis, St. Paul, Dakota County, Hennepin County, St. Louis County.

The term of any resulting contract is anticipated to be for twenty-two months, from December 1, 2020 until September 30, 2022. The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site: ***https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/*** . For more information, or to obtain a copy of the Request for Proposal, contact:

Katelyn Warburton
Department of Human Services
Economic Assistance and Employment Supports Division (EAESD)
Office of Economic Opportunity
P.O. Box 64951
St. Paul, MN 55155 0951
Phone: (651) 431-3854
katelyn.warburton@state.mn.us

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

Proposals must be submitted **electronically** to ***barb.alt@state.mn.us*** by **4:00 p.m. Central Time on Thursday November 5, 2020.**

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

State Contracts

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

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

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

Minnesota State Colleges and Universities (Minnesota State)

Notice of Availability of Request for Qualifications (RFQ) for On-Line Document Distribution and Bidding

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of the System Office, is soliciting proposals for a vendor to an On-line Web based software solution to allow campuses to solicit and receive bid proposals electronically from potential bidders for construction projects. The system must also allow campuses to solicit Requests for Proposals (RFP) and Requests for Qualifications (RFQ) from interested, qualified Architects, Engineers and other Owner consulting firms, to assist in the design and construction of projects. The System Office is seeking an existing system with a demonstrable solution with a minimum of five years of proven performance.

A full Request for Proposals is available on the Minnesota State Colleges Universities website, ***http://www.minnstate.edu/vendors/index.html*** , click on **"Facilities Opportunities"**.

Please email an electronic copy of your response to James Morgan at ***James.morgan@minnstate.edu*** , no later than **2:00 PM CT, Thursday, October 29, 2020**. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its' best interest.

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)
Dakota County Technical College
Notice of Request for Proposal for Temporary Campus Staff Support Services

Dakota County Technical College is requesting proposals for temporary campus staff services. We are looking for an agency to provide three (3) full- time employees to serve as greeters, and door and access monitoring for our Rosemount, MN campus.

To receive a complete copy of the proposal, please email ***purchasing@dctc.edu*** or visit ***https://www.minnstate.edu/vendors/index.html***

Proposals must be sealed with a notation on the outside of the envelope stating: DCTC Temporary Staffing Proposal – DELIVER IMMEDIATELY

Mail or deliver (faxes and email will not be accepted) sealed proposal must be delivered no later than 3:00pm CST on Monday, October 19th, 2020 to:

Dakota County Technical College-DCTC Temporary Staffing Proposal
Attn: Chris Haan, Purchasing
1300-145th Street E., Rosemount, MN 55068
Phone (651)423-8405

PROPOSAL CLOSE DATE is Monday, October 19, 2020 at 3:00pm CST.

Department of Commerce
Division of Energy Resources
Request for Proposals for 2020 Hosting Capacity Analysis

The Minnesota Department of Commerce, Division of Energy Resources (Department) advocates before state, regional, and federal energy regulatory bodies to promote reliable, affordable, and environmentally sound energy resources for Minnesota's citizens and businesses. The state regulatory body is the Minnesota Public Utilities Commission (Commission). Minnesota Statutes §216A.07 authorizes the Department to represent the public interest in

all Commission proceedings.

This Request for Proposal (RFP) is seeking technical expertise on issues related to distribution system data, privacy, and security. The Department is seeking assistance with the regulatory proceedings before the Commission involving Northern States Power Company, d/b/a Xcel Energy's (Xcel Energy or NSP-MN) distributed energy resources (DER) Hosting Capacity Analysis.

A Request for Proposals (RFP) and required forms will be available for download on the Department's website ***https://mn.gov/commerce/industries/rfp/*** through the deadline of Monday, November 2, 2020 11:59pm (CT).

The RFP and forms are located:
https://mn.gov/commerce/industries/rfp/

Reference Number: COMM-EPA-01-20201012
Title: 2020 Hosting Capacity Analysis

Proposals submitted in response to this RFP must be received to ***energy.contracts@state.mn.us*** no later than 11:59 pm, CDT, Monday, November 2, 2020. Late proposals will not be considered. Instructions for submitting proposals are detailed in the RFP.

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

Minnesota Department of 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 all the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: *http://www.mmd.admin.state.mn.us/solicitations.htm* as well as the Office of Grants Management (OGM) at: *http://www.grants.state.mn.us/public/*.

Carnelian-Marine Saint Croix Watershed District
Request for Proposals for Engineering, Accounting, Audit, and Legal Services

The Board of Managers of the Carnelian-Marine-Saint Croix Watershed District is requesting proposals for the following professional services to the District for 2021 and 2022: engineering, accounting, audit, and legal.

Interested parties may submit their letter of interest to Mike Isensee, Administrator, Carnelian-Marine-Saint Croix Watershed District, P.O. Box 188, Scandia, MN 55073.

Letters should be no more than 6 pages (including attachments) and should briefly describe the firm's experience, identify and describe the qualifications of the Project Manager and include the 2021 and 2022 billing rates for participating staff as well as any related time and mileage charges for attending meetings or other similar functions on behalf of the District.

Questions may be submitted no later than October 27,2020 to Mike Isensee at (651) 433-2150 or ***mike.isensee@cmscwd.org***. Electronic proposals must be received via email to the Administrator by 4:00 p.m. on Tuesday, November 3, 2020.

Metropolitan Airports Commission (MAC)
Notice of Call for Bids for 2020 Air Handling Unit Safety Upgrades

Airport Location: **Minneapolis-St. Paul International Airport**
Project Name: **2020 Air Handling Unit Safety Upgrades**
MAC Contract No.: **106-2-962**
Bids Close At: **2:00 p.m., Tuesday, October 20, 2020**

Notice To Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for: Installation of air handing unit safeties such as pressure safety switches and temperature sensors that will be programmed to shut down existing air handling units in an emergency. Additionally, this project will replace network controllers throughout the terminal.

Note: You can sign up on our Web site (www.metroairports.org) to receive email notifications of new business opportunities or go directly to ***MAC's E-News Subscription Page*** and choose this and other topics about which you are interested.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 7%.

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

Availability Of Construction Documents: Plans and specifications are on file for inspection at the office of Michaud Cooley Erickson at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications may secure a complete set at ***http://www.franzrepro.com***. Click on the "Plan Rooms" tab and select the "Franz Public Plan Room". Bidders may download the complete set of digital bidding documents for $50.00 by entering 106-2-962-00 in the "search projects" box then click "refresh/search" button. Contact Franz at 761-503-3401 or ***support@franzrepro.com*** for assistance. Hard copy drawings and specifications are available for purchase at Bidders expense.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on October 5, 2020, at MAC's web address of ***http://www.metroairports.org/airport-authority/business-opportunities/solicitations*** (construction bids).

Midwestern Higher Education Compact (MHEC)

Request for Proposals for Digital Credential Solutions (e.g., e-Transcripts) MHEC-RFP-10052020

DETAILS: The Midwestern Higher Education Compact (MHEC) is competitively soliciting proposals on behalf of MHEC's 12 Compact member states for innovative and cost-effective digital credentialing solutions to facilitate the transfer of student information between students, institutions, state agencies, regulatory agencies, credential providers, employers and third party recipients in the MHEC region.

The Midwestern Higher Education Compact (MHEC) is an instrumentality of 12 Midwestern states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin). The Compact was established in 1991 through a common statute enacted into law by each of the member states (Minnesota Statute – Section 135A.20). The purpose of the Compact is to promote higher education through interstate cooperation and resource sharing.

MHEC has determined that developing a region-wide acquisition strategy for higher education Digital Credential Solutions (e.g., e-Transcripts) through one or more providers will benefit both the higher education community and the provider(s). MHEC is seeking competitive solicitations with the intent to negotiate master agreement terms and conditions, licensing, and pricing. The resulting agreement will allow an institution to focus most of its energy on finding the technology solution that best fits its needs instead of the contract itself. The result is a master agreement that facilitates a direct relationship between the technology provider(s) and institutions which contains discount pricing as well as terms and conditions that are better than most higher education institutions can negotiate individually.

For further information about the Compact's education technology contracts, visit https://www.mhec.org/contracts/technology

COPY REQUEST: For a complete copy of the RFP, required submission materials or inquiries, visit website ***http://www.mhec.org/news*** and search RFP: Digital Credential Solutions (e.g., e-Transcripts) MHEC-RFP-10052020 or by email to:

Mr. Nathan Sorensen
Director of Government Contracts
Midwestern Higher Education Compact
105 Fifth Avenue South, Suite 450
Minneapolis, MN 55401
Phone: (612) 677-2767
E-mail: ***nathans@mhec.org***

PROPOSAL DEADLINE: All responses to this RFP must be received no later than Tuesday, October 27, 10 A.M. CDT.

This Request for Proposal (RFP) does not obligate the Midwestern Higher Education Compact (MHEC) or its member states to award a contract and reserves the right to cancel this RFP if it is considered to be in its best interest.

Midwestern Higher Education Compact (MHEC)

Request for Proposals for IT Security Services (MHEC-RFP-14OCT2020)

Solicitation Posting: ***http://www.mhec.org/news***

Proposals Due: November 12, 2020, 10 A.M. CST

NOTICE TO INFORMATION TECHNOLOGY VENDORS:

The Midwestern Higher Education Compact (MHEC) is competitively soliciting proposals on behalf of MHEC's 12 Compact member states. The purpose of this Request for Proposal is to establish one or more MHEC Master Agreement(s) with qualified provider(s). This Request for Proposal (RFP) does not obligate the Midwestern Higher Education Compact (MHEC) or its member states to award a contract and reserves the right to cancel this RFP if it is considered to be in its best interest.

The Midwestern Higher Education Compact (MHEC) is an instrumentality of 12 Midwestern states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin). The Compact was established in 1991 through a common statute enacted into law by each of the member states (Illinois Statute: 45 ILCS 155). The purpose of the Compact is to promote higher education through interstate cooperation and resource sharing.

The Midwestern Higher Education Compact's (MHEC) member institutions (eligible institutions/organizations) have identified a critical need to have readily available contracts for security services. MHEC intends to meet this need by awarding multiple contracts via an RFP in the areas of Security Threat Intelligence Products and Services, Security Information and Event Management (SIEM), Managed Security Services (MSS), Security Awareness Training, and Security Consulting Services.

MHEC is seeking competitive solicitations with the intent to negotiate master agreement terms and conditions, licensing, and pricing. The resulting agreement will allow an institution to focus most of its energy on finding the technology solution that best fits its needs instead of the contract itself. The result is a master agreement that facilitates a direct relationship between the technology provider(s) and institutions which contains discount pricing as well as terms and conditions that are better than most higher education institutions can negotiate individually.

For a complete copy of the RFP and required submission materials, please visit our website at ***http://www.mhec.org/news***.

Inquiries about this RFP must be directed to:

Ms. Deb Kidwell
Midwestern Higher Education Compact
105 Fifth Avenue South, Suite 450
Minneapolis, MN 55401
Phone: 573.864.2024
E-mail: ***debk@mhec.org***

All responses to this RFP must be received no later than November 12, 2020, 10 A.M. CST

Minnesota Sports Facilities Authority
Request for Proposals for Landscape Services - U.S. Bank Stadium

1. Proposals - Submit proposals for Landscape Services - U.S. Bank Stadium, Minneapolis, Minnesota, to Curtis Schmillen, SMG-US Bank Stadium office on or before 5pm on October 20, 2020.

2. Work Includes – Provide the services, labor, materials, tools, equipment, transportation, management, including other incidentals necessary for Landscape Services for U.S. Bank Stadium.

3. Examining Documents – Documents will be available for review after September 30, 2020, at the office of the MSFA, 1005 4th Street South, Minneapolis, MN and on the website, MSFA.com.

4. Affirmative Action - All proposers, applicants, prime contractors and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women and disabled person.

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

Michael Vekich, Chair
Minnesota Sports Facilities Authority

Minnesota Sports Facilities Authority
Request for Proposals for Snow Management Services - U.S. Bank Stadium

1. Proposals - Submit proposals for Snow Management Services - U.S. Bank Stadium, Minneapolis, Minnesota, to Curtis Schmillen, SMG-US Bank Stadium office on or before 5pm on October 20, 2020.

2. Work Includes – Provide the services, labor, materials, tools, equipment, transportation, management, including other incidentals necessary for Snow Management Services for U.S. Bank Stadium.
3. Examining Documents – Documents will be available for review after September 30, 2020, at the office of the MSFA, 1005 4th Street South, Minneapolis, MN and on the website, MSFA.com.

4. Affirmative Action - All proposers, applicants, prime contractors and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women and disabled person.

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

Michael Vekich, Chair
Minnesota Sports Facilities Authority


6 feet
Scooch over,
Minnesota!
STAY SAFE MN