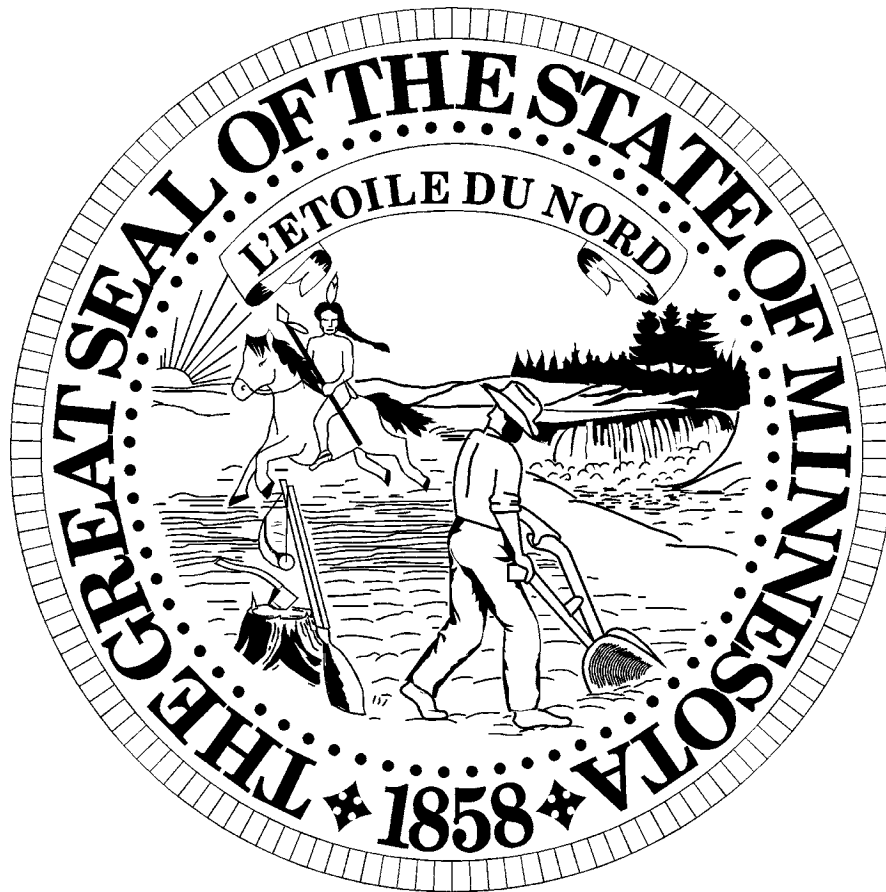


# Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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

**Monday 26 July 2021  
Volume 46, Number 4  
Pages 57 - 72**

# 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- Withdrawn Rules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. 46 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)
#5	Monday 2 August	Noon Tuesday 27 July	Noon Thursday 22 July
#6	Monday 9 August	Noon Tuesday 3 August	Noon Thursday 29 July
#7	Monday 16 August	Noon Tuesday 10 August	Noon Thursday 5 August
#8	Monday 23 August	Noon Tuesday 17 August	Noon Thursday 12 August

**PUBLISHING NOTICES:** We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$13.50 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or \$81. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

**SUBSCRIPTION SERVICES:** E-mail subscriptions are available by contacting the editor at sean.plemmons@state.mn.us. Send address changes to the editor or at the Minnesota State Register, 50 Sherburne Avenue, Suite 309, Saint Paul, MN 55155.

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## Minnesota Legislative Information

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

### Minnesota State Court System

Court Information Office (651) 296-6043  
MN Judicial Center, Rm. 135,  
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
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Office of the Federal Register (202) 512-1530; or (888) 293-6498  
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<https://www.federalregister.gov/>

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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 the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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# Proposed Rules

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

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

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

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

## Department of Commerce

### Weights and Measures Division

#### **Proposed Permanent Rules Relating to Weights and Measures; NIST Handbook 44 Updates; 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-04624**

**Proposed Amendment to Rules Governing Weights and Measures, *Minnesota Rules*, chapter 7601, Repeal of *Minnesota Rules*, part 7601.8000.**

**Introduction.** The Minnesota Department of Commerce 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 September 6, 2021, the Department will hold a virtual public hearing via WebEx. **An Administrative Law Judge will conduct the hearing** starting at 9:30 a.m. on Tuesday, September 21, 2021, and continuing until the hearing is completed. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after September 6, 2021, and before September 21, 2021.

# Proposed Rules

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**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 Carrie Briggs at the Minnesota Department of Commerce, 85 7th Place East, Suite 280, (651) 539-1457, [carrie.briggs@state.mn.us](mailto:carrie.briggs@state.mn.us).

**Subject of Rules and Statutory Authority.** The Department of Commerce proposes to amend *Minnesota Rules*, Chapter 7601, governing weights and measures. The amendments update *Minnesota Rules*, Chapter 7601, by incorporating by reference current NIST Handbook 44, *Specifications Tolerances and Other Technical Requirements for Weighing and Measuring Devices*, and NIST Handbook 133, *Checking the Net Contents of Packages Goods*. The NIST Handbook is comprised of specification, tolerances, and other technical requirements adopted by the National Conference on Weights and Measures, Inc. (NCWM). These specifications, tolerances, and other technical requirements are recommended by NCWM for official promulgation in and use by state weights and measures agencies. Updates to the NIST Handbook are made annually. Chapter 7601 has not been updated since 2005 and, as such, it still incorporates the 2005 edition of the NIST Handbook 44 and 133. The proposed amendments incorporate the 2019 NIST Handbook 44, thereby updating the requirements and specifications for weighing and measuring equipment manufactured, offered, or exposed for sale or sold or given away for use in trade or commerce in Minnesota to those currently required by NIST. This proposed change will allow Minnesota industry members to install and use up-to-date weighing and measuring equipment. The proposed amendments also incorporate the 2019 NIST Handbook 133. This amendment will update packaging and labeling rules for packaged goods to those currently required by NIST. This amendment will allow Minnesota industry members to adhere to a uniform system for package accuracy. The proposed rule amendments also change the sloping requirements in Rule 7601.4010, subpart 3 for washout slabs. The change eliminates a common type of variance request which occurs when scales are built next to buildings or on hillsides. The proposed rule amendments also repeal Rule 7601.8000, which governs biodiesel blend quantification methods. This rule is now obsolete because a nationally accepted ASTM method for quantifying biodiesel blends now exists. Finally, the proposed rule amendments remove references to previously repealed rule parts.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 239.06. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Monday, September 6, 2021, 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 Department 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 Monday, September 6, 2021. 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 Department 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.

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# Proposed Rules

**Modifications.** The Department 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 Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The Department will cancel the hearing scheduled for September 21, 2021, 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) 539-1457 after September 6, 2021, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 539-1457.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department 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 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 the Department 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 five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there will be 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.

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 **Administrative Hearings' Rulemaking eComments website** <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, you may submit post-hearing comments in person, via United States mail, or by facsimile addressed to Judge Middendorf 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 Minnesota Department of Commerce or on the agency's website at <https://mn.gov/commerce/policy-data-reports/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.

**Virtual Hearing Participation Information.** The Department is holding a virtual hearing using WebEx. The following information includes the website, password, codes, and other information you need to access and participate in the virtual hearing. Please contact Carrie Briggs at [carrie.brigg@state.mn.us](mailto:carrie.brigg@state.mn.us) for any hearing questions or details. The information below is also available on the rulemaking webpage for this project located at: <https://mn.gov/commerce/policy-data-reports/rulemaking/>.

Website for participants to enter the virtual hearing:

**WebEx Meeting Link**

Event Password: MNFall2021

Access Code: 146 579 0773

# Proposed Rules

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You may also participate by telephone. To participate in the hearing by telephone, at the date and time listed above, you may call 1-415-655-0003 (US Toll) Access code: 146 579 0773.

You may also participate by video system. To participate by video system, at the date and time listed above, you may dial 1465790773@minnesota.webex.com. You can also dial 173.243.2.68 and enter your meeting number.

**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.

**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 Department 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 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: July 19, 2021

Grace Arnold  
Commissioner  
Minnesota Department of Commerce

## 7601.1000 NIST HANDBOOK 44 INCORPORATED BY REFERENCE.

Subpart 1. **NIST Handbook 44 (2005) (2019).** Weighing and measuring equipment manufactured, offered, or exposed for sale or sold or given away for use in trade or commerce in Minnesota must conform to the requirements and specifications of NIST Handbook 44. NIST Handbook 44 (2005) (2019), "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," as adopted by the 89<sup>th</sup> 103<sup>rd</sup> National Conference on Weights and Measures and published by the United States Department of Commerce, National Institute of Standards and Technology, (Washington, D.C., December 2004), is incorporated by reference subject to the following exceptions:

A. If NIST Handbook 44 (2005) (2019) contains any provisions contrary to the laws of Minnesota, or contrary to any rule, except part 7601.1000, of the Minnesota Department of Commerce, Minnesota law and department rules govern and supersede contrary provisions of NIST Handbook 44.

B. The sentence of NIST Handbook 44 (2005) (2019), section 2-(scale code) 2.20 Scales, specification S.1.8.3; S.1.8.4., stating that "Unit price displays visible to the customer shall be in terms of single whole units of weight and not in common or decimal fractions of the unit" is deleted.

C. The specification S.1.2.2.2., section 2.20 Scales, does not apply.



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# Proposed Rules

~~C. D.~~ The director shall not enforce specifications and user requirements in NIST Handbook 44 (2005) (2019) that would require owners of motor fuel dispensers to install equipment capable of allowing the customer to select the unit price. These requirements are contained in section 3.30 (~~liquid measuring devices~~) Liquid-Measuring Devices, specification S.1.6.4.1., specification S.1.6.5., specification S.1.6.5.4., and user requirement UR.3.3.

~~D. E.~~ The specification S.2.4., and user requirement requirements UR.2.2 and UR.2.6.1, in section 3.31 Vehicle-Tank Meters of NIST Handbook 44 (2005) ~~does (2019) do not apply so as to require a ticket printer on vehicle tank meters.~~

E. The last paragraph of NIST Handbook 44 (2005), section 3.30, specification S.3.1, and section 3.37, specification S.4.1, is replaced with:

“An outlet that may be opened for purging or draining the measuring system or for recirculating product if recirculation is required in order to maintain the product in a deliverable state is permitted. Effective means must be provided to prevent passage of the liquid through any such outlet during normal operation of the measuring system and to inhibit meter indications, or advancement of indications, and recorded representations while the outlet is in operation.”

*[For text of subpart 2, see Minnesota Rules]*

## 7601.1020 NIST HANDBOOK 133 INCORPORATED BY REFERENCE.

Subpart 1. **NIST Handbook 133.** NIST Handbook 133 (~~Fourth Edition, January 2005~~) (2019), “Checking the Net Contents of Packaged Goods,” as adopted by the ~~89th~~ 103rd National Conference on Weights and Measures and published by the United States Department of Commerce, National Institute of Standards and Technology, (~~Washington, D.C., December 2004~~), is incorporated by reference. If NIST Handbook 133 contains any provision contrary to the laws of Minnesota, the rules of the Minnesota Department of Commerce, or the packaging or labeling rules of the Minnesota Department of Agriculture, Minnesota laws and rules govern and supersede contrary provisions of NIST Handbook 133.

*[For text of subpart 2, see Minnesota Rules]*

## 7601.4010 VEHICLE AND LIVESTOCK SCALE FOUNDATIONS.

*[For text of subparts 1 and 2, see Minnesota Rules]*

Subp. 3. **Aboveground scale; concrete pier foundation.** An aboveground vehicle or livestock scale foundation must meet the requirements in items A to H.

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

D. Where foundation construction techniques allow, the surfaces of the concrete slabs between the foundation piers must be sloped ~~down from the longitudinal centerline to each side to~~ in a manner that will prevent water, dirt, and debris accumulation under the platform.

*[For text of items E to H, see Minnesota Rules]*

*[For text of subpart 4, see Minnesota Rules]*

## 7601.7020 CERTIFICATE OF REGISTRATION.

The director shall issue a registration certificate to an applicant who meets the requirements of this part. The certificate authorizes the applicant to exercise the privileges in part 7601.7050 and to fulfill the responsibilities in part 7601.7060 for a category of commercial weighing and measuring equipment specified by the director. The certificate remains in effect for 12 months following the date of issue, or until it is returned by the registrant or revoked by the director. The director shall issue a certificate to an applicant who has:

A. ~~fulfilled completed~~ the application requirements in part 7601.7040 or met the reciprocity requirements in part 7601.7040;

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

# Proposed Rules

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## 7601.7030 REGISTRATION FEE.

The division shall charge an annual fee for each registration certificate issued, ~~as set by part 7602.0100~~. It must include the costs of administering the placing in service program and calibrating the registrant's standards and test equipment.

## 7601.7040 RECIPROCITY.

The director may issue a registration certificate to a person who is registered in a placing in service program in another state. The person is required to:

- A. ~~meet complete~~ the application requirements in part 7601.7010;  
*[For text of items B to E, see Minnesota Rules]*

## 7601.7090 PROBLEM RESOLUTION; CERTIFICATE OF REGISTRATION.

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

Subp. 8. **Reinstatement.** The director shall reinstate a registration certificate that has been revoked if the director receives an application for reinstatement from a person whose registration certificate has been revoked, if the applicant has paid all registration fees and calibration fees required in ~~part 7602.0100~~, and the applicant has met all of the requirements of parts ~~7601.7010~~ 7601.7020 to 7601.7040. The director must not reinstate a registration certificate that has been under revocation for less than 120 days.

**REPEALER.** Minnesota Rules, part 7601.8000, is repealed.

## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

**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) Adopted Permanent Rules Relating to Clean Cars

The rules proposed and published at State Register, Volume 45, Number 25, pages 663-670, December 21, 2020 (45 SR 663), are adopted as proposed.

# Official Notices

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

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

## Department of Human Services (DHS)

### Health Care Administration

#### Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program

**NOTICE IS HEREBY GIVEN** to recipients, providers of services, and to the public of certain statutory changes made to the Medical Assistance (MA) Program.

This notice is published pursuant to 42 United States Code § 1396a(a)(13)(A) and § 1902(a)(13)(A) of the Social Security Act, which requires the Department to publish final institutional payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. It is also published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 C.F.R. § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

The changes are estimated to affect net spending in the MA programs as described below. All estimates provided in this notice represent the expected change in total expenditures for each individual item from sources including both state and federal funds.

The change detailed in this notice is the result of legislative action. The actual text the 2021 legislative change detailed in this notice is contained in Laws of Minnesota 2021, First Special Session, Chapter 7. The legislation is available by calling the House of Representatives Public Information Office at (651) 296-2146 (voice) or (651) 296-9896 (TTY) or 1-800-657-3550 (Greater Minnesota) or 1-800-627-3529 (TTY); or the Senate Information Office at (651) 296-0504 (voice) or (651) 296-0250 (TTY); for Greater Minnesota call 1-888-234-1112 (voice) or 1-888-234-1216 (TTY). These laws are also available on the internet at: <http://www.revisor.mn.gov/laws/>

Information relating to implementation of these provisions will be sent to local human services agencies through bulletins and manual updates, and to recipients and enrollees through written notice. Information will be sent to health care providers through newsletters and updates to the Minnesota Health Care Programs Provider Manual, available at: <http://www.dhs.state.mn.us>

Changes were made to the following program areas:

#### **I. MA Services and Payment Rates**

Legislation enacted in 2021 directed DHS to apply a 10.1 percent rate increase for personal care assistant services effective October 1, 2021. The increase is 10.1 percent for direct support professionals, 10.3 percent for enhanced personal care assistant services, and 49.7 percent for qualified professionals providing PCA supervision. *Laws of Minnesota 2021*, First Special Session, Chapter 7, Article 13. This change has a net fiscal impact of \$36.7 million in FY2022 and \$43.1 million in FY2023.

The legislation also modified the MA pharmacy benefit to include coverage of weight loss drugs effective July 21, 2021. *Laws of Minnesota 2021*, First Special Session, Chapter 7, Article 1. This change has a net fiscal impact of \$466,364 in FY2022 and \$1.18 million in FY2023.

# Official Notices

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For more information or questions about submitting or reviewing comments, please contact Patrick Hultman at (651) 431-4311 or [patrick.hultman@state.mn.us](mailto:patrick.hultman@state.mn.us). Comments may also be mailed to Patrick Hultman at PO Box 64983, St. Paul, MN 55164. Copies of this notice, and any comments received, may be reviewed by appointment at the Elmer L. Andersen Human Services Building located at 540 Cedar Street, St. Paul, MN 55101.

## State Grants & Loans

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

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

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

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

## State Contracts

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

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

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

### **Normandale Community College**

#### **Request for Proposals for Snow and Ice Removal of the Parking lots and Roadways**

Normandale Community College is requesting proposals to assist in developing our snow and ice removal program. Deadline for RFP proposal submissions is Tuesday August 24th, 2021 at 1:00PM.

Contact for RFP please email:

Nissa Passmore  
*Nissa.Passmore@normandale.edu*  
Facilities Office Manager

## **Minnesota Department of Transportation (MnDOT)**

### **Engineering Services Division**

#### **Notices Regarding Professional/Technical (P/T) Contracting**

**P/T Contracting Opportunities:** MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

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

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

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

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

# Non-State Public Bids, Contracts & Grants

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

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

## Metropolitan Airports Commission (MAC)

### Notice of Call for Bids for 2021 Baggage Claim/Ticket Lobby Operational Improvements P2

<b>Airport Location:</b>	<b>Minneapolis-St. Paul International Airport</b>
<b>Project Name:</b>	<b>2021 Baggage Claim/Ticket Lobby Operational Improvements P2</b>
<b>MAC Contract No:</b>	<b>106-2-866</b>
<b>Bids Close At:</b>	<b>2:00 p.m. on Tuesday, August 24, 2021</b>
<b>Bid Opening At:</b>	<b>3:00 p.m. on Tuesday, August 24, 2021 via teleconference</b>
<b>Teleconference Dial In #:</b>	<b>+16124056798</b>
<b>Conference ID #:</b>	<b>681090675#</b>

**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 Interior renovations with: office space demolition, modification and construction; MEP systems; structural enhancements; custom lighting and specialty sign installation, terrazzo floors, millwork, interior storefront systems

**Note:** You can sign up on our Web site ([www.metroairports.org](http://www.metroairports.org)) to receive email notifications of new business opportunities or go directly to *MAC's E-News Subscription Service* 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 TGB 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.

**Project Labor Agreement:** This project is subject to the MAC's Project Labor Agreement requirements. A copy of the Project Labor Agreement and Contract Riders are included in the Appendix.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of Alliance; at the Minnesota Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete digital set at <http://www.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 106-2-866-00 in the "search projects" box then click "refresh/search" button. Contact Franz at 763-503-3401 or [support@franzrepro.com](mailto:support@franzrepro.com) for assistance. Hard copy drawings and specifications are available for purchase at Bidders expense.

# — Non-State Public Bids, Contracts & Grants

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on July 26, 2021, at MAC's web address of *MAC's Solicitations Website* (construction bids).

## Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2021 Indoor Air Quality Monitoring System

**Airport Location:** Minneapolis-St. Paul International Airport  
**Project Name:** 2021 Indoor Air Quality Monitoring System  
**MAC Contract No.:** 106-2-963  
**Bids Close At:** 2:00 p.m., Tuesday, August 17, 2021  
**Bids Open At:** 3:00 p.m., Tuesday, August 17, 2021 via teleconference  
**Dial In Number:** +16124056798  
**Conference ID:** 681090675#

**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 Gas detection sensors in garage spaces and throughout the terminal buildings.

**Note:** You can sign up on our Web site ([www.metroairports.org](http://www.metroairports.org)) to receive email notifications of new business opportunities or go directly to *MAC's E-News Subscription Service* 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 Bidding Documents:** Bidding documents 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 bidding documents 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 106-2-963-00 in the "search projects" box then click "refresh/search" button. Contact Franz at 761-503-3401 or [support@franzrepro.com](mailto: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 July 26, 2021, at MAC's web address of *MAC's Solicitations Website* (construction bids).

## Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Request for Qualifications for Architectural Consulting Services

The Metropolitan Airports Commission (MAC) is requesting Statements of Qualifications (SOQs) from firms interested in providing Architectural consulting services for building studies, design, construction, and remodeling projects on all seven of MAC's airports. The selected firms will work closely with MAC staff and construction coordination consultants and with the airlines and other airport tenants. All submittals must be received by MAC prior to 4:00 p.m. on August 26, 2021. For a copy of the RFQ, please go to the following link: <http://metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx>. Direct questions to: Puneet VEDI, AIA, Assistant Director-Project Delivery, Metropolitan Airports Commission, 6040 28th Ave. S., Minneapolis, MN 55450 Phone: 612.726.8133, Fax: 612.794.4407, E-mail: [puneet.vedi@mspmac.org](mailto:puneet.vedi@mspmac.org).

# Non-State Public Bids, Contracts & Grants

## Metropolitan Emergency Services Board (MESB)

### Request for Proposals for Consultant for CAD-to-CAD Interoperability and Regional Situational Awareness Solution

The Metropolitan Emergency Services Board (MESB) is soliciting proposals for professional and technical services to develop possible funding plans, governance plans, and technical specifications for the procurement and implementation of a CAD-to-CAD interoperability and regional situational awareness solution for the ten-county Minneapolis/St. Paul metropolitan area.

To see full Request for Proposals document, go to [www.mn-mesb.org](http://www.mn-mesb.org). All questions and correspondence should be directed to Jill Rohret, Executive Director, in writing at 2099 University Ave. W., St. Paul, MN 55104, via email at [jrohret@mn-mesb.org](mailto:jrohret@mn-mesb.org), or via telephone at (651) 643-8394.

Proposals are due by 4:00 p.m. on Friday, August 20, 2021.

