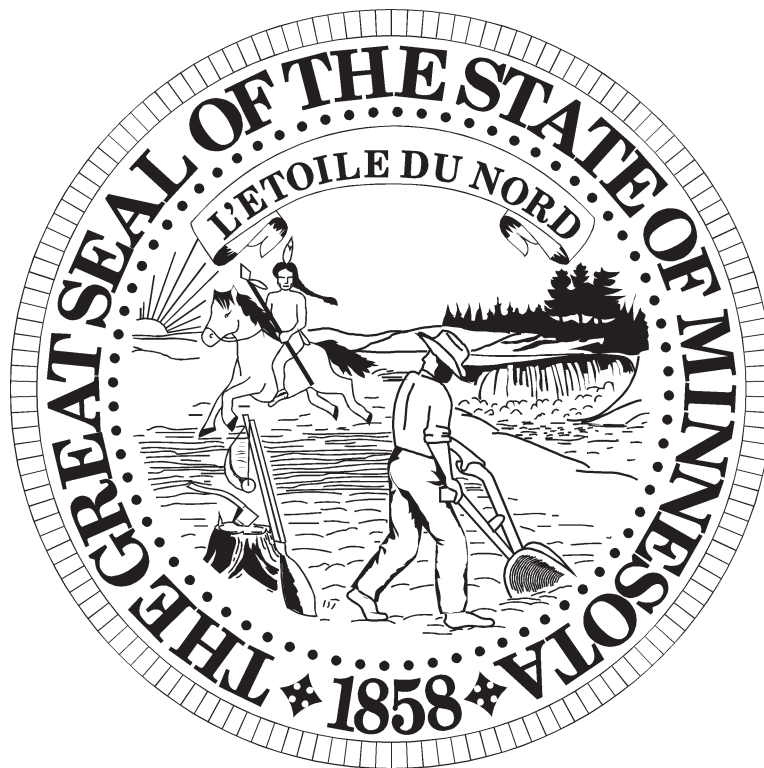


State of Minnesota

State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;
Commissioners' Orders; Revenue Notices; Official Notices;
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

**Monday 29 April 2013
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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *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. The *State Register* contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- 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. 37 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)			Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts			Deadline for Proposed, Adopted and Exempt RULES				
# 45	Monday	6	May	Noon	Tuesday	30	April	Noon	Wednesday	24	April
# 46	Monday	13	May	Noon	Tuesday	7	May	Noon	Wednesday	1	May
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Minnesota Rules: Amendments and Additions

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

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

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

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

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

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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 §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

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

Minnesota Department of Corrections (DOC)

Division of Community Services, Inspection and Enforcement

Proposed Permanent Rules Relating to County Jail Facilities

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

Proposed Amendment to Rules Governing Adult Detention Facilities, *Minnesota Rules*, chapter 2911.

Repealing *Minnesota Rules*, chapter 2911, parts 2911.0200, subparts 8, 18, 21, 33, 34, 37, 43, 47, 53, 54, 63, 65, 68, 69, 70, and 72; 2911.0300, subpart 5; 2911.0330, subpart 1; 2911.0340, subpart 2; 2911.0350; 2911.0400, subpart 3; 2911.0900, subparts 13 and 16; 2911.2000; 2911.2800, subparts 3 and 5; 2911.3000; 2911.3900, subparts 5 and 9; 2911.4800, subparts 2, 3, and 4; 2911.5000, subpart 2; 2911.5600; 2911.6000, subpart 1; 2911.6200, subpart 4; and 2911.6600, subpart 13.

Introduction. The Department of Corrections 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 June 5, 2013, the Department will hold a public hearing in the Itasca room, in the lower level of the Energy Technology Center (ETC) Building, 1450 Energy Park Drive, Saint Paul, Minnesota 55108, starting at 9:00am on Monday, June 17, 2013. 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 June 5, 2013, and before June 17, 2013.

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: Tracy Gerasch at Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, Minnesota 55108, **phone:** (651) 361-7581, **fax:** (651) 603-0036, and **e-mail:** tracy.gerasch@state.mn.us. **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rule amendments relate to the procedures governing adult detention facilities, including nine parts: definitions, capacity, variances; personnel standards; staff training; staff deployment, job descriptions, work assignments, post orders, policies and procedures; records and reports; inmate welfare; food service; security; and environmental-personal health and sanitation. The statutory authority to adopt the rules is *2012 Minnesota Statutes*, section 241.021, subdivision 1. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Proposed Rules

Comments. You have until 4:30 p.m. on Wednesday, June 5, 2013, 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. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the 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 Wednesday, June 5, 2013. 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.

Modifications. The Department may 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 June 17, 2013, 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) 361-7581 after June 5, 2013, 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) 361-7581 or going on-line at:

<http://www.doc.state.mn.us/publications/rules/default.htm>

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 James E. LaFave is assigned to conduct the hearing. Judge LaFave can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7848, and **fax:** (651) 361-7936.

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 is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

Proposed Rules

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person or it is available at: <http://www.doc.state.mn.us/publications/rules/default.htm>

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) 296-5148 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 review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

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

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

Dated: 2 April 2013

Tom Roy, Commissioner
Minnesota Department of Corrections

2911.0100 INTRODUCTION.

A. *Minnesota Statutes*, section 241.021, subdivision 1, provides that the commissioner of corrections adopt rules establishing This chapter provides minimum standards for all public and private correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined according to law except to the extent that they are inspected or licensed by other state regulating agencies. This chapter provides minimum standards for Class I to Class VI facilities in Minnesota. Facilities may request technical assistance from the department in determining whether they are eligible for a variance to a specific standard under this chapter.

B. Nothing in this chapter shall be construed to prevent the establishment of job descriptions, work assignments, channels of communication, or personnel policies with merit systems or collective bargaining agreements.

2911.0200 DEFINITIONS.

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

Subp. 2. **Administrative segregation.** "Administrative segregation" means the ~~physical separation status~~ of an inmate prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates or self, an inmate determined to be mentally ~~deficient~~ challenged who is in need of special care, or an inmate on medical isolation or infirmary status.

Subp. 3. ~~Administrative staff Assistant jail administrator.~~ "Administrative staff Assistant jail administrator" means an administrative officer ~~appointed by the governing authority or designee to assist who assists~~ the facility administrator responsible for managing and operating the facility.

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

Subp. 5. **Alternative sentence.** "Alternative sentence" includes, but is not limited to, a sentence including court ordered sanctions ~~which~~ that allow one or more of the following:

A. work release;

B. intermittent sentences;

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C. community service;

D. sentencing to service requirements;

E. ~~home detention~~;

F. E. educational release; or

G. F. electronic monitoring.

Subp. 6. **Average daily population.** “Average daily population” means the average number of inmates residing daily during the last calendar year. An inmate on furlough or hospitalized is excluded. Average daily population is calculated by dividing the total number of inmate days served in the facility by the number of days in the calendar year.

The total number of inmate days includes computation of any time an inmate spends in the community on alternative sentence when the inmate’s primary residence for that day is the correctional facility governed by this chapter.

An offender on ~~home detention~~, electronic monitoring, or other sentencing sanction who reports to a sanction such as community or sentencing to service programs from a residence is not to be considered in average daily population computation.

Subp. 7. **Booking.** “Booking” in a detention facility is a procedure for the ~~admission processing~~ of a person charged with or convicted of an offense, and includes ~~procedures such as~~ searching, fingerprinting, photographing, medical screening, and collecting personal history data. ~~Booking also includes the inventory and storage of the individual’s personal property.~~

Subp. 8. ~~[See repealer.]~~

Subp. 9. **Cell or detention room.** “Cell” or “~~detention room~~” means a ~~housing unit sleeping space~~ in a detention facility for the confinement of not more than two inmates. ~~A cell or detention room shall be designed or used for single occupancy purposes unless designed or approved for double occupancy purposes, except as approved by the Department of Corrections according to chapter 2900, requirements.~~

Subp. 10. **Cellblock or detention room cluster housing unit.** “Cellblock” or “~~detention room cluster~~” “~~housing unit~~” means a group or cluster of single or multiple occupancy cells or ~~detention rooms~~ immediately adjacent and directly accessible to a dayroom. ~~In some facilities the cellblock consists of a row of cells fronted by a dayroom of corridor-like proportions.~~

Subp. 11. **Class I facility.** “Class I facility” means a secure adult detention facility used to confine inmates for a time not to exceed 72 hours excluding holidays or weekends. A Class I facility ~~shall also be~~ is known as a holding facility.

Subp. 12. **Class II facility.** “Class II facility” means a secure adult detention facility used to confine inmates ~~prior to their~~ before an appearance in court and sentenced inmates for a time not to exceed 90 days. A Class II facility ~~shall also be~~ is known as a lockup facility.

Subp. 13. **Class III facility.** “Class III facility” means a secure detention facility used to confine sentenced inmates for a time not to exceed any limits set by *Minnesota Statutes*, adult pretrial and presentenced detainees indefinitely, and juveniles up to the limits prescribed by *Minnesota Statutes* and commissioner approval. A Class III facility ~~shall also be~~ is known as a jail facility.

Subp. 14. **Class IV facility.** “Class IV facility” means a minimum security adult detention facility used to confine sentenced inmates for a time not to exceed any limits set by *Minnesota Statutes* or adult pretrial or presentenced detainees indefinitely. A Class IV facility ~~shall also be~~ is known as a jail annex.

Subp. 15. **Class V facility.** “Class V facility” means a secure adult detention facility used to detain adult pretrial and presentenced detainees indefinitely. A Class V facility ~~shall also be~~ is known as an adult detention center.

Subp. 16. **Class VI facility.** “Class VI facility” means a facility used to confine presentenced and sentenced inmates for periods of time not to exceed any limits set by *Minnesota Statutes*. A Class VI facility ~~shall also be~~ is known as an adult corrections facility.

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Subp. 17. **Classification.** “Classification” means a process for determining the needs and security requirements of those inmates for whom confinement has been ordered and for assigning ~~them~~ the inmates to housing units and programs according to their needs and existing resources.

Subp. 18. [See repealer.]

[For text of subp 19, see M.R.]

Subp. 20. **Contraband.** “Contraband” means an item possessed by an inmate or found within the facility that is prohibited by statute or ~~expressly prohibited by those lawfully charged with the administration and operation of the facility~~ facility policy. This includes items that are authorized but in excess of allowable limits.

Subp. 21. [See repealer.]

Subp. 22. **Control center.** “Control center” means ~~the central point~~ a secure post within a facility where security activities are monitored and controlled.

Subp. 23. **Controlled substance.** “Controlled substance” means a drug medication, substance, or immediate precursor in Schedules I to V of *Minnesota Statutes*, section 152.02. ~~Controlled substance does not include distilled spirits, wine, malt beverages, intoxicating liquor, or tobacco.~~

Subp. 24. **Crowded facility.** “Crowded facility” means a ~~facility when its condition~~ when the facility’s operational capacity is exceeded.

Subp. 25. [Renumbered subp 56a]

[For text of subp 26, see M.R.]

Subp. 27. **Dayroom.** “Dayroom” means a room ~~which~~ that is adjacent to a cell or cells or detention room or ~~cell or detention room~~ cluster, and ~~which~~ that is used as a dining, exercise, or other activity room for inmates.

Subp. 28. **Department of Corrections or department DOC.** “Department of Corrections” or “department DOC” means the Minnesota Department of Corrections.

Subp. 29. **Disciplinary segregation.** “Disciplinary segregation” means ~~that~~ the status assigned an inmate following a hearing in which the inmate was found ~~guilty of violating in violation of~~ a facility rule or state or federal law or the status assigned an inmate before a hearing when segregating the inmate is determined to be necessary in order to reasonably ~~assure~~ ensure the security of the facility. ~~The status results in separating the inmate from the general population.~~

[For text of subps 30 to 32, see M.R.]

Subp. 33. [See repealer.]

Subp. 34. [See repealer.]

Subp. 35. **Facility.** “Facility” means a city; county, ~~city and county~~; multiple county, or private corrections facility of a Class I to Class VI type as defined in subparts 11 to 16.

[For text of subp 36, see M.R.]

Subp. 37. [See repealer.]

[For text of subp 38, see M.R.]

Subp. 38a. **General population.** “General population” means inmates who are typically classified as medium-risk. This group may also include reclassified inmates from special-management or minimum-security status. This group is most often the majority of inmates in a facility.

Subp. 39. **Health authority.** “Health authority” means ~~the physician, health administrator, or agency~~ responsible for the provision of

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~~health care services at the facility an individual or agency licensed to practice medicine and provide health services to the inmate population of the facility or the physician at an institution with final responsibility for decisions related to medical judgments. The responsible physician may be the health authority.~~

Subp. 40. **Health care personnel.** “Health care personnel” ~~is~~ means an individual whose primary duty is to provide health services to inmates in keeping with the individuals respective levels of education, training, and experience in accordance with their respective license. The individual ~~is likely to~~ must be a RN, LPN, nurse practitioner, physician, or physician assistant.

Subp. 41. **Health-trained staff person.** “Health-trained staff person” ~~is~~ means a person who provides assistance to the responsible physician or health care personnel in keeping with ~~their respective~~ the person’s levels of education, training, and experience.

Subp. 42. **Holding cell area.** “Holding cell area” means a cell or room used to hold one or more persons temporarily ~~while awaiting release, booking, court appearance, transportation, interview, or assignment to a housing unit.~~

Subp. 43. [See repealer.]

[For text of subp 44, see M.R.]

Subp. 45. **Individual with a disability.** “Individual with a disability” ~~is~~ means a person who has a physical or mental impairment that substantially limits one or more major life activities, a record of an impairment, or is regarded as having an impairment.

Subp. 46. **Inmate or detainee.** “Inmate” or “detainee” means an individual, adult, or juvenile, detained or confined in a Class I to Class VI facility ~~as defined in this chapter.~~

Subp. 47. [See repealer.]

[For text of subp 48, see M.R.]

Subp. 49. **Inspection.** “Inspection” means an ~~on-site~~ assessment of existing conditions made to determine the facility’s compliance with this chapter.

Subp. 49a. **Intermittent sentence.** “Intermittent sentence” means a court-ordered sanction that requires a person to report to a Class I to Class VI facility on more than one occasion under the same sanction.

Subp. 50. [Renumbered subp 58a]

Subp. 51. **Life safety code.** “Life safety code” means ~~a manual published and updated by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest published and updated by the National Fire Protection Association and other authorities having jurisdiction.~~

Subp. 52. **Limited use agreement.** “Limited use agreement” means a written agreement between the Department of Corrections and local officials ~~which that~~ restricts a facility’s operation and establishes timelines for facility improvements.

Subp. 53. [See repealer.]

Subp. 54. [See repealer.]

Subp. 55. **Medicine Medication.** “Medicine Medication” means any remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. For the purposes of this chapter, ~~medicine shall include legend medication includes prescription and nonlegend drugs nonprescription medications.~~

[For text of subp 56, see M.R.]

Subp. 56a. **Overcrowded facility.** “Overcrowded facility” means a condition when the facility’s approved bed capacity is exceeded.

Subp. 56b. **Override.**

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A. “Override” means the assignment of a custody level other than the one designated by scored custody and needs assessment and is based upon professional judgment and factors that are not captured by the classification forms.

B. “Discretionary override” means a change in classification based upon the professional judgment of the classification staff, and the inmate’s crime, prior record, or institutional adjustment.

C. “Nondiscretionary override” means a formal policy to prohibit the placement of certain inmates from the general population housing or minimum security housing.

[For text of subp 57, see M.R.]

Subp. 58. **Policy.** “Policy” means a written statement declaring mission, and purpose, and ideological position.

Subp. 58a. **Prescription medication.** “Prescription medication” means a medication that is required by federal law to bear the following statement: “Caution: Federal law prohibits dispensing without prescription.”

[For text of subps 59 to 63, see M.R.]

Subp. 63a. **Security equipment.** “Security equipment” means an approved security device used by staff as a response to or prevention of resistance.

[For text of subp 64, see M.R.]

Subp. 65. [See repealer.]

Subp. 65a. **Segregation area.** “Segregation area” means an area of the facility that houses inmates requiring either prehearing detention, administrative segregation status, or lockdown time for disciplinary violations. This area is separate from the general population and houses inmates individually.

Subp. 65b. **Sexual misconduct.** “Sexual misconduct” means any sexual contact or sexual acts between inmates or between inmates and staff that is either illegal or maltreatment under Minnesota Statutes. Sexual misconduct includes consensual sexual contact or acts between staff members and inmates.

Subp. 65c. **Special management area.** “Special management area” means an area that provides the greatest degree of physical security for the control and separation of inmates.

[For text of subps 66 and 67, see M.R.]

Subp. 68. [See repealer.]

Subp. 69. **Substantially conform.** “Substantially conform” means a compliance rating of 100 percent on rules labeled mandatory under part 2911.0300, subpart 5a, item B, and 90 percent compliance on all other items in this chapter labeled essential rules under part 2911.0300, subpart 5a, item C.

Subp. 70. [See repealer.]

Subp. 71. **Variance.** “Variance” means the waiver of an exception to a specific rule or rules for a specified period of time.

Subp. 72. [See repealer.]

2911.0300 INTENDED USE AND NONCONFORMANCE WITH RULES.

Subpart 1. **Intended use.** A facility shall be used only in accordance with the according to its classification, Class I to Class VI, for which it has been as approved by the Department of Corrections. A Class I facility may be approved by the commissioner to house inmates serving alternative sentences for a time not to exceed any limits set by *Minnesota Statutes*. A Class II facility may house inmates serving an alternative sentence for a time not to exceed any limits set by *Minnesota Statutes*. A facility must be in full compliance with a rule part or, subpart, or item as designated as mandatory under this chapter subpart 5a in order to meet approval requirements for continued operation unless the commissioner waives the part or, subpart, or item. Each rule part or subpart designated as mandatory shall be identified by placing the term mandatory adjacent to the rule part, subpart, item, or sentence in parenthesis. Approval shall be The

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commissioner shall assess a facility based on compliance with rules applicable to the facility's classification at the time of the facility's last inspection. (~~Mandatory~~)

Subp. 2. **Nonconformance, unsafe, unsanitary, or illegal conditions.** When conditions do not substantially conform or where specific conditions endanger the health, welfare, or safety of inmates or staff, the facility's use is restricted pursuant to *Minnesota Statutes*, section 241.021, subdivision 1, or legal proceedings to condemn the facility will be initiated pursuant to *Minnesota Statutes*, section 641.26 or 642.10. (~~Mandatory~~)

Subp. 3. **Comparable care.** A facility that houses males and females shall provide comparable care for each group. (~~Mandatory~~)

Subp. 4. **Correction of deficiencies.** Sanctions for violation of mandatory rules are: as follows.

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

B. For a level two sanction, the facility inspector shall issue a written compliance order to the facility administrator and governing body ~~which that~~ requires submission of a written plan of action inclusive of time lines for correction of any deficiency allowed more than 180 days for correction. The ~~department~~ DOC shall grant or deny approval of the action plan in writing within 30 days of receiving the action plan.

C. For a level three sanction, when compliance is not achieved within time lines ordered or action plans are not implemented as approved by the ~~department~~ DOC, the facility inspector shall submit to the facility administrator and governing body a limited use agreement for review, signature, and return within a specified time.

D. For a level four sanction, when compliance with the rules under subpart 5a, item B, cannot be achieved because of serious life-safety and physical plant deficiencies, the commissioner shall specify a duration of time, known as the sunset authorization period, after which the facility will no longer have the authority to operate.

~~D.E.~~ For a level ~~four~~ five sanction, when level one to level ~~three~~ four sanctions have not resulted in correction of deficiencies, the commissioner shall exercise restricted use or condemnation authority under subpart 2.

Subp. 5. [See repealer.]

Subp. 5a. Rule compliance.

A. A facility must meet the requirements of this subpart in order to be in compliance with this chapter.

B. A facility must comply with 100 percent of the following rules unless specifically excluded under that rule:

(1) 2911.0100, item B;

(2) 2911.0300

(3) 2911.0400, subparts 2 and 4;

(4) 2911.0800;

(5) 2911.0900, subparts 1, 2, 8, 9, 10, 11, 12, 18, 25, and 26;

(6) 2911.1000;

(7) 2911.1900;

(8) 2911.2100;

(9) 2911.2300;

- (10) 2911.2500;
- (11) 2911.2600, subpart 1;
- (12) 2911.2700, subparts 3 and 4;
- (13) 2911.2850, subparts 1 and 2;
- (14) 2911.2900;
- (15) 2911.3100, subpart 2;
- (16) 2911.3200;
- (17) 2911.3300, subparts 3, item C, and 5;
- (18) 2911.3600, subpart 3;
- (19) 2911.3700, subparts 1, 2, 3, and 5;
- (20) 2911.3800;
- (21) 2911.3900, subpart 1;
- (22) 2911.4000;
- (23) 2911.4100, subpart 1;
- (24) 2911.4400;
- (25) 2911.4500;
- (26) 2911.4600;
- (27) 2911.5100, subparts 1 and 2;
- (28) 2911.5200, subpart 1;
- (29) 2911.5300;
- (30) 2911.5400;
- (31) 2911.5500;
- (32) 2911.5700;
- (33) 2911.5800, subparts 1, 2, 3, 4, 6, 8, and 11;
- (34) 2911.5900;
- (35) 2911.6000, subparts 2 and 3;
- (36) 2911.6100;

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(37) 2911.6200, subparts 1, 2, and 6;

(38) 2911.6300;

(39) 2911.6400;

(40) 2911.6500;

(41) 2911.6600;

(42) 2911.6700;

(43) 2911.6800;

(44) 2911.6900;

(45) 2911.7000;

(46) 2911.7100, subparts 1 and 3;

(47) 2911.7200;

(48) 2911.7300, subpart 1;

(49) 2911.7500; and

(50) 2911.7600.

C. A facility must comply with at least 90 percent of parts 2911.0330 to 2911.7600 that are not listed in item B.

[For text of subp 6, see M.R.]

2911.0330 APPROVED CAPACITY.

Subpart 1. [See repealer.]

Subp. 2. **Approved bed capacity.** ~~“Approved capacity” means the number of beds determined by exclusion of holding cells and beds designed for disciplinary segregation or administrative segregation purposes.~~ Approved bed capacity, excluding holding areas and beds designed for disciplinary or administrative segregation purposes, shall be based on the following criteria:

A. ~~single occupancy cells or detention rooms built or let for bids after May 15, 1978;~~ shall provide a minimum of 70 square feet of floor space per inmate;:

B. ~~single occupancy cells or detention rooms in facilities used for detention or confinement of inmates prior to May 15, 1978,~~ shall provide a minimum of 50 square feet of floor space per inmate;:

C. ~~dormitories shall provide a minimum of 60 square feet of floor space per inmate;:~~ and

D. ~~double occupancy cells shall provide a minimum of 70 square feet of floor space.~~

E. ~~no beds in facilities condemned shall be considered as approved.~~

2911.0340 DESIGN CAPACITY.

Subpart 1. ~~**Category I Design capacity.** The “design capacity category I” means of a facility is determined by the number of beds in a the facility built or let for bids after May 15, 1978; as calculated in the same manner noted as for approved bed capacity with the addition of holding cells and those beds designed for disciplinary or administrative segregation or special management purposes.~~

Subp. 2. [See repealer.]

2911.0360 OPERATIONAL BED CAPACITY.

“Operational bed capacity” means the percentage of the approved bed capacity level which ~~should not exceed~~ shall be a percentage of the approved bed capacity level to accommodate peak population demands and separation requirements, and partial closing for maintenance and housekeeping.

2911.0370 VARIANCE BED CAPACITY.

“Variance bed capacity” means the bed capacity level ~~When a variance is~~ authorized by the Department of Corrections pursuant to part 2911.0400, subpart 1; items A to E, the facility may exceed its bed capacity level.

2911.0400 VARIANCES.

Subpart 1. **Variations, generally.** The granting of a variance under this part for one facility shall not constitute a precedent for any other facility. The granting and denial of variances shall be in writing and made within 30 days of the request for a variance. The variance ~~will~~ shall be granted by the commissioner if, in the licensing procedure or enforcement of ~~the rules in~~ this chapter, all of the following are present:

A. requiring a particular facility to strictly comply with one or more of the provisions will result in undue financial hardship or jeopardize the health, safety, security, detention, or well-being of the inmates or facility staff;

B. the facility is otherwise in substantial conformity with this chapter or is making satisfactory progress toward substantial conformity;

C. granting of the variance will not preclude the facility from making satisfactory progress toward substantial conformity with ~~the rules~~ this chapter;

D. ~~the~~ granting of the variance will not leave the interests and well-being of the inmates or facility staff unprotected; and

E. the facility will take substitute action as is necessary or available to comply with the general purpose of ~~the rules~~ this chapter to the fullest extent possible.

Subp. 2. ~~Emergencies~~ **Emergency notification.** When a facility administrator declares an emergency as defined in part 2911.0200, ~~subpart 31,~~ the applicable rules may be suspended during the duration of the emergency. The facility administrator or designee shall notify the DOC in writing within 72 hours of an emergency that results in the suspension of any rule under this chapter.

Subp. 3. [See repealer.]

Subp. 4. **Suspension limit.** ~~No~~ A suspension of rules because of an emergency declared by a facility administrator ~~may or a designee~~ shall not exceed seven days unless the administrator obtains the approval of the commissioner of corrections for a variance to the rules and the variance is necessary:

A. for the protection of the health, security, safety, detention, or well-being of the staff or the inmates detained or confined in the institution where the emergency exists. ~~(Mandatory); or~~

B. when an emergency public safety issue has occurred.

Subp. 5. [Renumbered 2911.3700 subp 6]

Subp. 6. [Renumbered 2911.3700 subp 7]

Subp. 7. **Notification.** The facility administrator or a designee shall notify the ~~Department of Corrections~~ DOC in writing of each instance of failure to maintain population at or below the facility approved bed capacity for more than seven consecutive days or ~~within~~ 15 days of any month in which the facility has had an average daily population greater than its approved bed capacity.

Subp. 8. **Overcrowded facility plan.** Whenever an overcrowded facility condition occurs and the conditions in subpart 7 exist, a facility shall ~~develop~~ have a written plan that requires the use of available contract per diem bed space in ~~department~~ DOC-approved

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facilities within a 125-mile radius. The plan shall require ~~that the following.~~

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

Subp. 9. **Intermittent sentence contingency plans.** A facility shall ~~develop~~ have a written plan that governs space arrangements and procedures to be followed in the event the number of inmates in the facility at 8:00 a.m. on any day and the number of inmates serving intermittent sentences scheduled for admission into the facility that day will exceed the facility's approved bed capacity.

2911.0600 STAFF RECRUITMENT.

The selection, appointment, and promotion of facility personnel shall be based on assessed ability. ~~There shall be no discrimination on the grounds of race, color, religion, sex, or national origin. (Mandatory)~~ Custody personnel shall be a minimum of 18 years of age. Recruitment standards shall set forth the basic requirements as to age, ability, preparatory experience, physical condition, and character. ~~They~~ Recruitment standards shall also ~~set forth~~ establish factors ~~which that~~ may disqualify an applicant. Discrimination shall be prohibited consistent with Minnesota Statutes, section 363A.08.

2911.0700 EMPLOYEE EVALUATION.

Consistent with Minnesota Statutes, an employee shall complete a probationary period and be evaluated during the probationary period before being permanently appointed. The evaluation shall be in writing, discussed with the employee, and made a part of the employee's personnel record.

2911.0800 EXTRA DUTY.

~~No~~ An employee shall be scheduled for no more than 12 hours consecutive work in any 24 hours except where unusual circumstances require reasonable and prudent exception.

Coverage for vacations, military leave, jury duty, scheduled training, and similar activities is not to be considered as unusual circumstances requiring reasonable and prudent exception. Each of these coverage needs is known to the facility administration with sufficient lead time to allow proactive scheduling to maintain compliance with the 12-hour standard requirements. ~~(Mandatory)~~

2911.0900 STAFFING REQUIREMENTS.

Subpart 1. **Staffing plan and staffing analysis.** The facility administrator shall prepare and retain a staffing plan. ~~(Mandatory)~~

The staffing plan shall identify:

A. jail personnel assignments; ~~for:~~

(1) facility administration and supervision;

(2) facility programs including exercise and recreation;

(3) inmate admission, booking, supervision, and custody;

(4) support services including medical, food service, maintenance, and clerical; and

(5) other jail-relevant functions such as escort and transportation of inmates;

B. the days of the week that the assignments are filled; and

C. the hours of the day that the assignments are covered; and

D. any deviations from the plan with respect to weekends, holidays, or other atypical situations must be considered.

The facility administrator or designee shall review the facility's staffing plan at least once each year. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised as appropriate to the facility's needs or referred to the facility's governing body for funding consideration.

A facility with a design capacity of more than 60 beds must have a staffing analysis and staffing plan approved by the commissioner of corrections. This staffing analysis shall include all posts, functions, net annual work hours appropriate to each post, and total number of employees to fill the identified posts and functions.

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Subp. 2. **Administrator.** There shall be a single administrator of each facility. ~~(Mandatory)~~

[For text of subp 3, see M.R.]

Subp. 4. **Class III facilities.** Class III facilities with average daily inmate populations under 30 shall have a full-time staff person employed as facility administrator/program coordinator. ~~The administrator/program coordinator of a Class III facility with an average daily population under 30 who~~ shall not be classified as a custody person whose primary duty is supervision of inmates.

[For text of subps 5 and 6, see M.R.]

Subp. 7. ~~Administrative staff~~ **Assistant jail administrator.** Where the average daily population ~~custodial responsibility~~ of inmates exceeds 60, an ~~administrative staff assistant jail administrator~~ shall be required. ~~Administrative Assistant staff are jail administrators shall not to~~ be classified as custody ~~persons personnel~~ whose primary duties are supervision of inmates.

Subp. 8. **Staff person in charge.** ~~The staff person in the Facility must be designated administration shall designate a staff person to be~~ in charge at all times in the absence of administrative staff from the facility. ~~(Mandatory)~~

Subp. 9. **Condition of custody staff person on duty.** ~~No~~ An inmate shall ~~not~~ be detained without custody staff on duty, present in the facility, awake and alert at all times, and capable of responding to emergencies or the reasonable needs of inmates. ~~(Mandatory)~~

Subp. 10. **Supervision of inmates of opposite sex gender.** Staff members shall not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite ~~sex gender~~ in circumstances that can be described as invasion of privacy, degrading, or humiliating to the inmates. When staff of one ~~sex gender~~ are used as program resource personnel with inmates of the opposite ~~sex gender~~, staff of the inmates' ~~sex gender~~ must be on duty and in the facility. ~~(Mandatory)~~

Subp. 11. **Maintenance personnel and custody staff; separation of duties.** Maintenance personnel shall be employed to perform preventive, routine, and emergency maintenance functions. Custody staff shall not be given physical plant maintenance duties ~~which that~~ detract from their primary responsibilities for ongoing supervision of inmates. ~~(Mandatory)~~

Subp. 12. **Assistance for dispatcher or custody staff person.** In a facility that uses the dispatcher or custody position as sole supervision, the dispatcher or custody staff person must be assisted on duty by another custody staff person when the facility's inmate population exceeds ~~15~~ five. ~~(Mandatory)~~

Subp. 13. [See repealer.]

Subp. 14. **Backup resource assistance.** In facilities ~~which that~~ use the dispatcher or custody position as sole supervision, policy and procedures shall be implemented ~~which that~~ assure a reasonable level of security and backup resource assistance for the dispatcher or custody person in circumstances ~~which that~~ require emergency response assistance. The ~~Department of Corrections DOC~~ shall review and approve the policy and procedures.

Subp. 15. **Ratio of custody staff to inmates, reporting incidents, and responding to emergencies.**

A. A facility with a design capacity of 60 or fewer beds shall meet the ~~following~~ staffing ratios in this ~~subpart item~~. For inmate supervision, the overall ~~facility-wide facilitywide~~ minimum ratio of custody staff to inmates shall ~~not be less than~~ one custody officer to 25 inmates. These staff must be in the facility and on duty at all times and not involved in temporary duties outside of the facility. Included in this ratio are all staff who are assigned and trained in the custody and supervision of inmates as their primary duty. Staff not directly responsible for custody and supervision of inmates such as administrative, supervisory, program, bailiff, or support staff shall not be included in this ratio.

B. A facility with a design capacity of 60 or more beds shall meet the staffing ratios in this item. For inmate supervision, the overall ~~facilitywide minimum ratio or custody staff to inmates shall not be less than:~~

(1) 1 to 60 inmates for direct supervision housing units with lockdown capability;

(2) 1 to 48 inmates for direct supervision dormitories;

(3) 1 to 40 for indirect or podular inmate supervision; and

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(4) 1 to 25 inmates for linear housing areas.

C. A facility administrator may apply for a specific variance from the staffing requirements in this ~~item~~ subpart from the ~~manager of the inspection and enforcement unit of the department commissioner~~. Consideration of this variance shall require that supervision of inmates is accomplished in an appropriate manner and that the safety and security of the facility, staff, and inmates are not compromised.

Subp. 16. [See repealer.]

Subp. 17. **Escort, movement, or booking staff.** Class I to Class VI facilities' staff ~~must~~ shall be provided as follows:

A. internal escort, rover, or movement officers ~~shall be provided~~ in sufficient numbers as determined in the approved staffing plan under this subpart to ensure that inmates have access to staff, programs, activities, and services, and that the safety and security of the facility is not compromised;

B. sufficient staff ~~must be~~ present to provide for the booking of offenders without a reduction in the safety or security of the facility and inmates;

C. in multifloor jails, custody staff ~~must be~~ posted on each floor occupied by inmates; and

D. sufficient numbers of staff to complete duties listed in post orders.

Class I to Class VI facility staff shall not be used for the external transportation of inmates or court security if the level of inmate supervision, inmate admission, programs, or internal inmate movement would be reduced below minimums afforded under the facility's staffing plan.

Subp. 18. **Program staff requirements for Class II.** In a Class II facility a staff person shall be designated to coordinate community services and volunteer programming. ~~(Mandatory)~~

Subp. 19. **Class I exemptions.** Class I facilities are exempt from the requirement in subpart 18, ~~with the exception of~~ except those facilities approved by the commissioner to house inmates serving alternative sentences.

Subp. 20. **Coordination of programs.** In a Class III and Class VI facility, a staff person shall be designated to coordinate educational and vocational programs, social service programs, work release, and volunteer services programs. The following minimum inmate to program staff ratio shall apply for the average daily population:

A. 30 or under, see program staffing needs comply with subpart 4;

B. 31 to 60, one full-time program staff person; and

C. over 60, program staffing needs ~~shall be~~ are addressed as part of the overall facility staffing plan. ~~See subpart 16, requirements.~~
[For text of subs 21 and 22, see M.R.]

Subp. 23. **Custody staff override.** The ratio of custody staff to inmates may be reduced proportionate to the facility's population decrease during those hours that inmates are released from the facility for work release, educational release, community service, or sentencing to service activities.

No override reduction is allowed in any facility using a custody staff person or dispatcher as sole supervision or facilities using staffing patterns ~~which that~~ employ one dispatcher and one custody staff person.

Facilities using the override allowed in this subpart must document the number of inmates in the facility on an hourly basis and those under the facilities' jurisdiction that are temporarily released from the facility for work, education, community service, or sentencing to service programs. The facility shall also document the number of available custody staff for the population housed in the facility on an hourly basis.

Subp. 24. **Program staff increase override.** The number of program staff required shall be increased in facilities ~~which that~~ provide

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program oversight and supervision of alternative to incarceration programs such as home detention, electronic monitoring, or sentencing to service involving offenders who are not incarcerated or detained in the facility a portion of each day.

Subp. 25. **Support staff requirements.** Support staff requirements are as follows: clerical, maintenance, and food service staff shall be provided to meet operational requirements applicable to the facility. ~~(Mandatory)~~

Subp. 26. **Ancillary functions.** Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to ensure that security, supervision of inmates, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities. ~~(Mandatory)~~

2911.1000 TRAINING PLAN.

A facility administrator or designee shall develop and implement a training plan for the orientation of new employees and volunteers and provide for continuing in-service training programs for all employees and volunteers. Training plans shall be documented; and describe curriculum, methods of instruction, and objectives. In-service training plans shall be prepared annually and shall provide documentation indicating that training for individual employees has taken into consideration their length of service, position within the organization, and previous training completed.

2911.1100

[Renumbered 2911.1200 subpart 1]

2911.1200 CLERICAL AND SUPPORT EMPLOYEES WITH REGULAR OR DAILY INMATE CONTACT; TRAINING.

Subpart 1. **Minimal inmate contact.** A facility shall have a written policy and procedure that provides that all new clerical and support employees that have minimal inmate contact receive 24 hours of orientation and training during their first year of employment. Sixteen of these hours are completed before being independently assigned to a particular job. Persons in this category are given an additional 16 hours of training each subsequent year of employment.

Subp. 2. **Regular or daily inmate contact.** A facility shall have a written policy and procedure that provides that all new clerical and support employees who have regular or daily inmate contact receive 40 hours of orientation and training during their first year of employment. These hours are to be completed prior to before being independently assigned to a particular job. The employees are given an additional 16 hours of training each subsequent year of employment. At a minimum, this training covers the following areas:

- A. security procedures and regulations;
- B. rights and responsibilities of inmates;
- C. all applicable emergency procedures;
- D. interpersonal relations and communication skills; and
- E. ~~communication skills; and~~
- F. E. first aid.

2911.1300 CUSTODY STAFF TRAINING.

A facility shall have a written policy and procedure that provides that all custody staff receive 120 hours of orientation and training during their the first year of employment. Forty of these hours are completed prior to being independently assigned to a particular post. All persons in this category are given an additional 16 hours of training each subsequent year. At a minimum, training completed before independent assignment to a particular post shall include:

- A. security procedures;
- B. supervision of inmates;
- C. signs of suicide risk and suicide precautions;
- D. ~~suicide precautions~~ vulnerable inmates;

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E. ~~use of force~~ response to resistance regulations and tactics;

F. report writing;

G. inmate rules and regulations;

H. rights and responsibilities of inmates;

I. fire and emergency procedures;

J. key control;

K. interpersonal relations and communication skills;

~~L. social and cultural lifestyles of the inmate population;~~

~~M. communication skills; and~~

~~N. first aid.~~

L. diversity training;

M. distribution of medications;

N. right to know; and

O. blood-borne pathogens and communicable diseases.

2911.1350 MEDICAL TRAINING FOR CUSTODY STAFF.

By policy and procedure a training program shall be established by the facility administrator in cooperation with the health authority, that provides instruction in the following areas:

A. first aid training for custody personnel responsible for the supervision, safety, and well-being of prisoners;

B. recognition of signs and symptoms of illness and knowledge of action required in potential emergency situations;

C. administration of first aid and cardiopulmonary resuscitation (CPR). Recertification training shall occur as required with respect to first aid and CPR. The training shall be documented;

D. methods of obtaining assistance;

E. recognition of signs and symptoms of mental illness, retardation, emotional disturbance, and chemical dependency; and

F. procedures for inmate transfers to appropriate medical facilities or other health care providers.

2911.1400 ADMINISTRATIVE AND MANAGERIAL STAFF TRAINING.

A facility shall develop have a written policy and procedure that provides that the facility's administrative and managerial staff receive at least 16 hours of orientation and at least 16 hours of training each year thereafter. This training covers Orientation training shall include, at a minimum, general management and related subjects, data practices, decision-making processes, labor law, employee-management relations, the interaction of elements of the criminal justice system, and relationships with other service agencies. After orientation, a facility's administrative and managerial staff shall receive at least 16 hours of training annually.

2911.1500 PROGRAM STAFF TRAINING.

A facility shall develop have a written policy and procedure that provides that the facility's program personnel receive at least 40 hours of orientation and training in the first year of employment, and at least 16 hours of training each year thereafter. This training must cover,

at a minimum:

- A. security procedures and regulations;
- B. planning;
- C. development, and implementation of treatment, educational, and recreational programs;
- D. inmate and staff rules and regulations;
- E. rights and responsibilities of inmates;
- F. emergency procedures;
- G. interpersonal relations; ~~and~~
- H. interaction of elements of the criminal justice system; and
- I. first aid.

2911.1800 JOB DESCRIPTIONS.

A facility administrator or designee shall ~~develop~~ have a written job description for all position classifications and post assignments ~~which that~~ define responsibilities, duties, and qualifications.

2911.1900 POLICY AND PROCEDURE MANUALS.

A facility shall have a written policy and procedure manual ~~which that~~ is electronically available to staff and relevant regulatory authorities and defines the philosophy and method for operating and maintaining the facility. This manual shall be made available to all employees, reviewed annually, updated as needed, and staff trained accordingly. The manual shall include, at a minimum, the following chapters:

- A. correctional standards required under ~~parts 2911.0100 to 2911.7600~~ this chapter:
[For text of items B to M, see M.R.]
- N. admissions, orientation, classification, property control, and release; ~~and~~
- O. inmate activities, programs, and services; and
- P. a written suicide prevention and intervention plan.

The facility administrator or designee shall review policy and procedure manuals at least once each year. The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate to facility changes.

2911.2100 STORAGE AND PRESERVATION OF RECORDS.

Space shall be provided for the safe storage of records. (~~Mandatory~~)

2911.2200 FILING AND DISPOSITION OF INMATE RECORDS.

Inmate records shall be ~~incorporated~~ filed into individual folders ~~and filed~~ or maintained through ~~advanced~~ technology such as ~~microfiche~~ or computerized record systems ~~which that~~ permit an inmate's record to be readily accessed at one source.

2911.2300 ~~CONFIDENTIALITY~~ PRIVACY OF AND ACCESS TO INMATE RECORDS.

~~Confidentiality~~ Privacy of inmate records and inmate access to factual, nonconfidential data in the inmate's personal files shall be provided in conformity with state law. (~~Mandatory~~)

2911.2400 DETENTION INFORMATION SYSTEM REQUIREMENTS.

The facility administrator shall designate a staff person responsible for reporting of information on persons detained or incarcerated to

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the ~~Department of Corrections DOC~~ in a manner consistent with requirements in the ~~Department of Correction's Detention Information System Manual~~ DOC's Statewide Supervision System, Detention Entry Guide (2010) and any amendments, which is incorporated by reference, subject to frequent change, and available at the State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. Detention information system reporting requirements shall be met in a ~~timely and an~~ accurate manner daily.

2911.2500 SEPARATION OF INMATES.

Subpart 1. **General.** A combination of separate housing units inclusive of ~~maximum~~ special management areas, general population, and minimum security areas and cells, ~~detention rooms,~~ dormitories, and dayroom spaces shall be provided to properly segregate inmates pursuant to Minnesota Statutes, section 641.14. ~~(Mandatory)~~

The facility shall provide for the separate housing of the following categories of inmates:

- A. female and male inmates;
- B. community custody inmates ~~(such as work releasees release or sentencing to service offenders);~~
- C. inmates requiring disciplinary segregation;
- D. inmates requiring administrative segregation;
- E. juveniles who do not meet Minnesota statutory requirements for placement with adults;
- F. ~~maximum security, medium security~~ special management, general population, and minimum security inmates as ~~deemed consid-ered~~ appropriate to the facilities design intent and classification system; and
- G. inmates classified as mentally ill or special needs inmates in a manner consistent with Minnesota Statutes, section 253B.05.

Subp. 2. **Supervision of coeducational activities.** Direct supervision of coeducational activities shall be provided at all times. ~~(Mandatory)~~

2911.2525 ADMISSIONS.

Subpart 1. **Policies and procedures.** A facility shall have written policies and procedures for processing new inmates to the facility to include, at a minimum, the following:

- A. obtaining and documenting available emergency medical information within two hours of admission;
- B. verification of court commitment papers or other legal documentation of detention. Verification shall include checking the date of admission, duration of confinement, and specific charges;
- C. a search of the inmate and the inmate's possessions;
- D. inventory and storage of the inmate's personal property;
- E. initial medical screening to include an assessment of the inmate's health status, including any medical or mental health needs;
- F. telephone calls made by the inmate during the booking and admission process and prior to assignment to other housing areas;
- G. shower and hair cleansing;
- H. issue of bedding, clothing, and personal hygiene items according to the rule requirements applicable to the anticipated length of stay of the inmate;
- I. photographing and fingerprinting including notation of identifying marks or unusual characteristics such as birthmarks or tattoos;
- J. interviewing to obtain the following identifying data:

(1) name and aliases of person;

(2) current address, or last known address;

(3) health insurance information;

(4) gender;

(5) age;

(6) date of birth;

(7) place of birth;

(8) race;

(9) present or last place of employment;

(10) emergency contact including name, relation, address, and telephone number; and

(11) additional information concerning special custody requirements or special needs;

K. initial classification of the inmate and assignment to a housing unit;

L. an assigned booking number; and

M. Social Security number, driver's license number, or state identification number, if available.

Subp. 2. **Privacy.** Intake procedures dealing with information protected by the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13, shall be conducted in a manner and location that assures the personal privacy of the inmate and the confidentiality of the transaction from unauthorized personnel.

Subp. 3. **Orientation to rules and services.** A facility shall develop a written policy and procedure that provides:

A. a method for all newly admitted inmates to receive orientation information in a manner the inmates can understand; and

B. documentation by a statement that is signed and dated by the inmate that the inmate completed orientation.

Subp. 4. **Inmate personal property.** A facility shall have a written policy and procedure that:

A. provides for the itemized inventory and secure storage of all personal property of a newly admitted inmate, including money and other valuables;

B. specifies any personal property an inmate may retain in the inmate's possession; and

C. provides that the inmate shall sign a receipt for all property held until release.

2911.2550 RELEASES.

Subpart 1. **Release procedures.** A facility shall have written procedures for releasing inmates that include, at a minimum, the following:

A. verification of identity;

B. verification of authority to release;

C. return of stored property with a receipt for the inmate to sign, unless the property is held for authorized investigation or litigation; and

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D. arrangements for completion of any pending action, such as grievances, or claims for damaged or lost possessions.

Subp. 2. **Transportation.** An inmate shall be permitted to make arrangements for transportation prior to release.

Subp. 3. **Release in severe weather.** An inmate shall not be released in severe weather in a manner to endanger the inmate's health, safety, or well-being.

2911.2600 CLASSIFICATION OF INMATES.

Subpart 1. **Policy and procedure.** A facility shall have a written policy and procedure that provides for inmate classification in terms of level of custody required, housing assignment, ~~and~~ participation in facility programs, and use of any overrides. The facility's policy and procedure on classification shall include consideration of the following:

A. inmate gender;

B. juvenile or adult status;

C. category of offense;

D. severity of current charges, convictions, or both;

~~D.~~ E. degree of escape risk;

~~E.~~ F. potential risk of safety to others and self;

G. institutional disciplinary history;

H. serious offense history;

~~F.~~ I. special needs assessment, inclusive of vulnerable adults, which includes a determination of how medical needs, mental health needs, developmental disability, or other behavioral or physical limitations or disabilities may impact on the classification of an inmate and appropriate housing of same; and

~~G.~~ J. special management inmate status. ~~(Mandatory).~~

Subp. 2. **Status change.** The inmate classification plan shall specify criteria and procedures for determining and changing the status of an inmate, including custody, transfers, override functions, and major changes in programs. The plan shall include an appeal process for classification decisions. The use of any override shall be documented.

[For text of subp 3, see M.R.]

2911.2700 INFORMATION TO INMATES.

Subpart 1. **Information made available to inmates.** Copies of policies and rules governing conduct and disciplinary consequences; procedures for obtaining personal hygiene and ~~eat~~ anteen commissary items; and policies governing visiting, correspondence, bathing, laundry, and clothing and bedding exchange shall be made available to all inmates.

Information will be made available to disabled inmates including those that are hearing impaired, visually impaired, or unable to speak in a form that is accessible to them.

Information required under this subpart shall be available in English ~~and Spanish.~~ There shall be procedures in place to address the language barriers of non-English-speaking inmates.

Policy and procedures shall ensure, to the extent practical, that inmates who are unable to speak English ~~or Spanish~~ are provided with the information outlined in this part within 24 hours of ~~their~~ admission to the facility in a form that is accessible to ~~them~~ the inmate.

Subp. 2. **Program options and activities.** An inmate shall be provided written information on program options and activities within 24 hours of admission, excluding weekends and holidays. A facility staff member shall review program options and activities with inmates

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who are unable to read, within 24 hours of admission, excluding weekends and holidays, ~~of their admission~~.

A Class I facility is exempt from this requirement with the exception of those approved by the commissioner to house inmates serving alternative sentences.

Subp. 3. **Official charge, legal basis for detention.** An inmate admitted to a facility shall be advised of the official charge or legal basis for detention and confinement. ~~(Mandatory)~~

Subp. 4. **Data privacy.** An inmate admitted to a facility shall be advised of rights under Minnesota data privacy statutes with respect to information gathered by the facility and to whom the information will be disseminated. ~~(Mandatory)~~

2911.2750 INMATE HYGIENE.

Subpart 1. **Personal hygiene.** The facility administrator or designee shall have and implement a written policy for personal hygiene practices of all inmates to include special assistance for those inmates who are unable to care for themselves. A written policy and procedure shall require that articles needed for personal hygiene are available to all inmates, and include at a minimum, the following:

A. soap;

B. toothbrush;

C. toothpaste;

D. shampoo;

E. shaving equipment;

F. materials essential to feminine hygiene;

G. comb; and

H. toilet paper.

Subp. 2. **Delousing materials.** Delousing materials and procedures shall be approved through consultation with the responsible health authority.

Subp. 3. **Bathing or showering.** Each inmate shall be permitted daily bathing or showering.

Subp. 4. **Indigent inmates.** An indigent inmate shall receive the personal hygiene items in subpart 1 at facility expense.

2911.2800 ADMINISTRATIVE SEGREGATION AND INMATE DISCIPLINE.

Subpart 1. **Administrative segregation.** Each facility administrator or designee shall develop and implement policies and procedures for administrative segregation.

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

Subp. 3. [See repealer.]

Subp. 4. **Policy.** Written policy and procedure shall provide that the status of inmates in administrative segregation is reviewed every seven days. These policies shall provide:

A. that the review is documented and placed in the inmate's file; ~~and~~

B. that the inmate in administrative segregation receive visits from the facility administrator or designee a minimum of once every seven days as a part of the administrative review process; and

C. that the review process that is used to release an inmate from administrative segregation is specified.

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Subp. 5. [See repealer.]

Subp. 6. **Protective custody.** Written policy and procedure shall provide that an inmate is ~~admitted to the segregation unit separated from the general population~~ for purposes of protective custody only when there is documentation that protective custody is warranted and segregation is the least restrictive alternative available.

[For text of subp 7, see M.R.]

2911.2850 **INMATE DISCIPLINE PLAN.**

Subpart 1. **Plan.** A facility shall have an inmate discipline plan that explains the administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review, and the review process. ~~(Mandatory)~~

Subp. 2. **Disciplinary segregation.** A facility administrator ~~or designee shall develop~~ have and implement policies and procedures for disciplinary segregation. An inmate on disciplinary segregation status must be separated from the general population.

Subp. 3. **Due process.** Disciplinary segregation shall be used only in accordance with due process to include at a minimum:

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

E. the status of an inmate placed on disciplinary segregation for more than 30 continuous days subsequent to a ~~due process disciplinary~~ hearing shall be reviewed, approved, and documented by the facility administrator or designee at least once every 30 days, and the facility shall develop written policy, procedure, and practice ~~which that~~ provides that inmates in disciplinary segregation receive visits from the facility administrator or designee at least once every seven days as a part of the disciplinary segregation review process;

~~F. continuous confinement for over 30 days requires the review and approval of the facility administrator;~~

~~G. F.~~ an inmate placed in disciplinary segregation prior to a due process hearing for an alleged rule violation shall have a ~~due process disciplinary~~ hearing within 72 hours of segregation, exclusive of holidays and weekends, unless documented cause can be shown for delays. Examples of causes for delay are inmate requests for delay, or logistical impossibility, as in the case of mass disturbances; and

~~H. G.~~ the facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed and documented within three working days ~~by the disciplinary authority.~~

Subp. 4. **Other limitations on disciplinary actions.** A facility shall ~~develop~~ have written policy, procedure, and practice ~~which that~~ provides that whenever an inmate in segregation is deprived of any usually authorized item or activity, a report of the action is made and forwarded to the facility administrator.

[For text of subp 5, see M.R.]

Subp. 6. **Removing clothing and bedding.** The facility administrator ~~or designee shall develop~~ have a policy and procedure for removing clothing and bedding from an inmate. The following shall be included:

A. clothing and bedding shall be removed from an inmate only when the inmate's behavior threatens the health, safety, or security of self, other persons, or property. When appropriate, alternative clothing and bedding shall be issued;

B. clothing and bedding shall be returned to the inmate as soon as it is reasonable to believe the behavior ~~which that~~ caused the action will not continue;

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

Subp. 7. **Disciplinary records.** A facility shall ~~develop~~ have written policy and procedure, ~~which that~~ provides that, when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor. Disciplinary reports prepared by staff members shall include, ~~but are not limited to,~~ the following information:

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

G. any immediate action taken, including the ~~use of force~~ response to resistance; and

H. reporting staff ~~members~~ member's signature, and date and time report is made.

2911.2900 GRIEVANCE PROCEDURE.

A written grievance procedure with at least one level of appeal shall be made available to all inmates ~~and includes at least one level of appeal.~~

2911.3100 INMATE ACTIVITIES AND PROGRAMS.

Subpart 1. **Written plan.** A facility administrator or designee shall ~~develop~~ have and implement a written plan for the constructive scheduling of inmate time. The plan shall ~~include the following:~~

A. ~~Identification of~~ identify programs offered in the facility and when the programs are offered;:

B. ~~Identification of~~ identify persons conducting the program and whether or not the persons are facility staff, external community resources under contract, or volunteers;:

C. ~~The activity plan shall reflect consistency~~ be consistent with established legal rights of inmates, type and status of inmates detained in the facility, and rule requirements associated with the ~~facilities~~ facility's classification;:

D. ~~A facility shall develop written policy, procedure, and practice which provides~~ provide inmates with the option to refuse to participate in facility programs, except work assignments and programs required by statute or court order;:

E. when males and females are housed in the same facility, ~~equal~~ provide comparable opportunities ~~shall be provided~~ for participation in programs and services;: and

F. require documentation of programs offered and inmates participating in programs ~~shall be documented.~~

Subp. 2. ~~Arrangements for religious services and counseling~~ **Practice of religion.** A facility shall have written policy and procedures ~~which that grant inmates an inmate~~ the right to practice ~~their that inmate's~~ religion. (~~Mandatory~~)

Subp. 2a. Arrangements for religious services and counseling. A facility shall have either a chaplain with the minimum qualifications of clinical pastoral education or equivalent specialized training and endorsement by the appropriate religious certifying body or a community clergy consultant meeting ~~such the~~ the qualifications to assist the facility administrator in arranging for religious services and counseling as requested.

No inmate shall be required to attend religious services ~~and~~. Religious services shall be held in a location that the inmates who do not wish to participate are not exposed to the service.

Attendance or lack of attendance at religious services shall not be considered a criterion for ~~any~~ rights or privileges within the facility.

The ~~facility administrator or designee in cooperation with the~~ chaplain or community religious ~~consultant in cooperation with the~~ facility administrator resource, plans, directs, and advises on aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented by the inmate population.

When a religious leader of an inmate's faith is not represented through chaplaincy staff, community religious ~~consultants~~ resources, or volunteers, the chaplains or community religious ~~consultant~~ resource shall assist the inmate in contacting such a person. That person shall have the appropriate credentials from that faith judicatory and may minister to the inmate with the approval of the chaplain or community religious ~~consultant~~ resource.

An inmate requesting private interviews or counseling in a setting not capable of being audio monitored with chaplaincy staff, community religious ~~consultants~~ resources, or volunteers, or persons with the approval of the chaplain or community religious ~~consultant~~ resource shall be ~~afforded given~~ the opportunity within the policies as are reasonable and necessary to protect the facility's security.

~~An inmate desiring to read The Bible or sacred book of another religion shall be provided a copy at the expense of the facility.~~ Bibles or sacred books of another religion may be made available to inmates by the facility, through local library or other community resources and limited to the ~~inmates inmate's~~ period of confinement.

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Subp. 3. **Library service.** The facility administrator or designee shall develop a library service including access to current leisure reading material such as books, magazines, and newspapers.

Legal books and references requested by inmates shall be made available to the extent resources permit. The facility shall not be responsible for the purchase of legal books and references used by inmates.

The facility ~~has~~ shall have a designated staff person who coordinates and supervises library services.

Subp. 4. **Education.** A facility shall ~~develop~~ have a written policy and procedure ~~which provide~~ that provides for inmate access to educational programs, vocational counseling, and when available, vocational training. When possible, a facility shall arrange to have these educational programs delivered in a classroom specifically designed and equipped for educational or vocational programming.

Class I facilities are exempt from this requirement with the exception of those approved by the commissioner to house inmates serving alternative sentences.

Text books necessary to complete a course of study, to the extent that local resources permit, shall be made available to inmates. The facility shall not be responsible for the purchase of text books to complete a course of study.

Subp. 5. **Substance abuse programs.** A facility shall have a written plan for ~~addressing~~ providing services for inmate chemical dependency issues.

Subp. 6. **Work assignments for adults.** Class II to Class VI facilities shall ~~develop~~ have a written inmate work assignment plan that provides for inmate work, subject to the number of work opportunities available and the maintenance of facility security. Work assignments ~~will~~ must provide for:

A. ~~that~~ adults not under sentence may volunteer to work but shall not be compelled to participate in work beyond maintaining the immediate living area;

B. eligibility criteria for work activities;

C. ~~a statement~~ that sentenced inmates shall not be compelled to work more than ten hours per day;

D. ~~a statement~~ that work shall not be required ~~which~~ of an inmate that cannot be done by the inmate due to physical limitations;

E. ~~the inmate work plan provides~~ work opportunities for disabled inmates; and

F. inmate working conditions that comply with all applicable federal, state, or local work safety laws, rules, and regulations.

Subp. 7. **Recreation plan.** The facility administrator or designee shall ~~develop~~ have a plan providing opportunities for physical exercise and recreational activities for all inmates consistent with the facility's classification and design. Class I facilities are exempt from this requirement.

The plan shall include policies and procedures necessary to protect the facility's security and the welfare of inmates.

Policy and procedure shall provide:

~~A.~~ inmates with access to recreational opportunities and equipment, including seven hours of physical exercise or recreation outside the cell and adjacent dayroom areas per week;

~~A.~~ B. recreational opportunities ~~must be afforded~~ a minimum of five days per week; ~~and~~

~~B.~~ Class I facilities are exempt from this requirement.

~~Indoor space and equipment shall be provided for active recreational activities in all Class II to Class VI facilities.~~

~~Outdoor recreational space and equipment shall be provided for outdoor recreational programming in all Class VI facilities. The space~~

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and equipment shall be provided in a manner consistent with the facility's security classification.

C. indoor space and equipment for active recreational activities in all Class II to Class VI facilities;

D. outdoor recreational space and equipment for outdoor recreational programming in all Class VI facilities. The space and equipment shall be provided in a manner consistent with the facility's security classification;

E. The facility's recreation plan shall provide for passive and active recreation needs and equipment for a variety of inmates consistent with the facility's classification and offenders served. As ~~examples an example~~, passive or active recreational activity needs of ~~older geriatric, disabled, or geriatric and disabled offenders and offenders with disabilities~~ shall be addressed;

F. Policy and procedure shall provide that inmates in segregation receive with a minimum of one hour a day, ~~five~~ seven days a week, of exercise outside ~~their the inmates'~~ cells, unless security or safety considerations dictate otherwise; and

G. ~~Inmates on segregation status shall have discretionary access by inmates on segregation status~~ to the same recreational facilities as other inmates unless security or safety considerations dictate otherwise. When inmates on segregation status are excluded from use of regular recreation facilities, the alternative area for exercise used shall be documented.

2911.3200 INMATE VISITATION.

The facility administrator or designee shall develop and implement an inmate visiting policy. The policy shall be in writing and shall include:

A. attorney/client interviews ~~shall be~~ allowed in a manner consistent with *Minnesota Statutes*, section 481.10; ~~Consultation with Persons Restrained; (Mandatory)~~

B. a schedule of visiting hours that includes the days and times for visits ~~and~~ that includes visiting visits during the normal business day, and evenings or weekends;

C. establishment of a uniform number of permissible visits and the number of visitors permitted per visit;

D. that an adult inmate be permitted an initial visit with a member or members of the inmate's immediate family at the next regularly scheduled visiting period;

E. that all facilities schedule a minimum of eight visiting hours per week:

(1) ~~the facility shall schedule~~ a minimum of three separate and distinct visiting ~~times~~ days per week; and

(2) ~~visits shall be of 20 minutes' duration minimum for each visit~~ unless the number of persons attempting to visit exceeds the facility's ability to meet this requirement, or the inmate's behavior dictates a need to terminate a visit earlier;

F. allowed visits for identified members of an inmate's immediate family;

G. when a visit to an inmate is denied for reasonable grounds on the belief that the visit might endanger the security of the facility, the action and reasons for denial shall be documented;

H. that visitors register, giving names, addresses, and relationship to inmate;

I. that any area used for inmate visiting ~~not may~~ be subject to audio monitoring, recording, or both. The facility shall use signs and the inmate handbook to inform the inmate about audio monitoring and recording. Professional visits shall not be audio recorded, unless a court order has been issued;

J. that policies for parents, guardians, and attorneys visiting juveniles ~~be as are~~ unrestrictive as administratively possible and the initial visit of a juvenile by parents, guardians, and attorneys be permitted at any time; ~~(Mandatory);~~

K. picture identification of visitors be required for identification purposes;

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L. that juvenile children be allowed to visit parents, regardless of ~~their~~ age, as deemed appropriate by the parent or guardian accompanying the child and when a dispute over children visiting occurs between the inmate and the parent or legal guardian, the inmate be referred to the court for resolution ~~of same~~; and

M. facility policy and procedures setting forth criteria for authorized friend visiting.

2911.3300 CORRESPONDENCE.

Subpart 1. **Policy and procedure.** A facility shall ~~develop~~ have a written policy and procedure ~~which that~~ governs inmate correspondence. Policies are available to all staff and inmates and are reviewed annually, and updated as needed.

Subp. 2. **Unrestricted Volume of mail.** The volume of written mail to or from an inmate shall not be restricted. The amount of mail stored in an inmate's cell may be limited by facility administration.

Subp. 3. **Inspection and censorship.** A facility must have a written policy and procedure ~~which that~~ requires that:

A. inmate letters, both incoming and outgoing, may be opened and inspected for contraband;

B. inmates are notified in writing when incoming or outgoing letters are rejected; and

C. letters shall not be read or censored if they are between an inmate and an elected official, officials of the ~~Department of Corrections, the ombudsman for corrections~~ DOC, attorneys, or other officers of the court, but inspection of incoming mail from the specified class of persons noted may be opened only to inspect for contraband and only in the presence of the inmate. ~~(Mandatory)~~

Subp. 4. **Money.** Cash, ~~cashiers~~ checks, or money orders ~~shall be removed~~ received from incoming mail ~~and credited to the inmates' accounts~~ shall be processed according to facility policy.

Subp. 5. **Postage allowance for indigent inmates.** Indigent inmates shall receive a postage allowance sufficient to maintain communications with the persons listed in subpart 3, item C. Written policy, procedure, and practice must provide that an indigent inmates are inmate is provided with a system enabling ~~them the inmate~~ to send a minimum of two letters or postcards per week to individuals not ~~defined listed~~ in subpart 3, item C. ~~(Mandatory)~~

Subp. 6. **Material detrimental to security.** A facility shall ~~develop~~ have a written policy that restricts inmate access to materials and information that is ~~deemed~~ considered detrimental to the security and orderly function of the facility.

2911.3400 TELEPHONE ACCESS.

A facility shall ~~develop~~ have a written policy and procedure that provides for inmate access to a telephone.

Attorney/client telephone consultation shall be allowed in a manner consistent with *Minnesota Statutes*, section 481.10; ~~Consultation with Persons Restrained.~~

Newly admitted inmates shall be permitted a local or collect long-distance telephone call to a family member or significant other during the admission process.

Inmates shall be allowed telephone access to maintain contact with family members or significant others. ~~The~~ Nonlegal calls may be made ~~through collect call telephone access systems at the expense of the inmate.~~ The minimum time allowed per call shall be ten minutes except where there are substantial reasons to justify ~~such limitation~~ limitations. Nonlegal telephone conversations may be monitored and recorded.

Reasons for denial of telephone access shall be documented.

2911.3500 ~~CITIZEN INVOLVEMENT AND~~ VOLUNTEERS.

When ~~citizens or~~ volunteers are used in facility programs, a written policy and procedure shall provide that a staff member is responsible for coordinating the volunteer service program. The policy includes the following elements:

A. lines of authority, responsibility, and accountability for the volunteer services;

B. a procedure for the screening and selection of volunteers;

C. an orientation training program appropriate to the nature of the assignment;

D. a requirement that volunteers agree in writing to abide by all facility rules and policies, ~~particularly relating to~~ with emphasis on security and confidentiality of information; and

E. a statement that the administrator may discontinue a volunteer activity at any time by written notice.

2911.3600 CLOTHING, AND BEDDING, AND LAUNDRY SERVICES PROPERTY.

Subpart 1. [Renumbered 2911.3650 subp 2]

Subp. 2. [Renumbered 2911.3650 subp 3]

Subp. 3. [Renumbered 2911.3650 subp 4]

Subp. 4. [Renumbered 2911.3675 subp 3]

Subp. 5. **Quantity of clothing.** The facility shall have available sufficient clothing to ensure each inmate ~~neat~~, clean clothing appropriate to the season.

Subp. 6. **Excess personal clothing and abandoned property.** An inmate's excess personal clothing, ~~abandoned property, or both~~ shall be ~~either mailed to, picked up by the inmate, or transported~~ released to a designated family members member or friend from whom a signed property release has been secured. Property shall be stored in containers designed for this purpose and properly identified, inventoried, and secured. A documented disposition on all abandoned property shall be maintained.

[For text of subp 7, see M.R.]

Subp. 8. **Protective clothing.** A facility shall ~~develop~~ have written policy, procedure, and practice ~~which that~~ provides for the issue of special and, where appropriate, protective clothing and equipment to inmates participating in special work assignments. The clothing is available in quantities that permit exchange as frequently as the work assignment requires.

2911.3650 LINENS INMATE UNIFORM ISSUE AND BEDDING ALLOWANCE.

Subpart 1. **Bedding and linen.** An inmate admitted to the facility shall be issued one bath towel; ~~one hand towel;~~ one washcloth; one clean, ~~firm~~ fire-retardant mattress; two sheets or one sheet and a clean mattress cover; blankets sufficient to provide comfort under existing temperature conditions; one pillow; and one pillow case, if applicable.

~~Clean linens shall be furnished once each week, at a minimum. Linen exchange shall be documented. Inmates detained in admission or release processing areas for periods of time not exceeding eight hours need not be issued linens and bedding.~~

Subp. 2. **Clothing.** An inmate admitted to a facility for 72 hours or more and assigned to a living unit shall be issued a set of facility clothing.

Subp. 3. **Change of clothing.** An inmate issued a change of clothing upon admission into the facility may have personal clothing returned after laundering at the discretion of the facility administrator.

Subp. 4. **Issue.** The facility shall provide socks and suitable outer garments and undergarments.

2911.3675 LAUNDRY SERVICES AND LINEN EXCHANGE.

Subpart 1. **Laundry.** Laundry services shall be managed so that daily clothing, linen, and bedding needs are met.

The department has adopted by reference Nursing and Boarding Care Home, operational rules regarding laundry as follows:

A: part 4655.2200;

B: part 4655.8300, subpart 2, clean linen;

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C. ~~part 4655.8300, subpart 3, soiled linen;~~

D. ~~part 4655.8300, subpart 4, laundering of linen; and~~

E. ~~part 4655.8300, subpart 6, laundering of personal clothing.~~

Subp. 2. **Linen.** Clean linens shall be furnished once each week, at a minimum. There shall be a posted schedule for linen exchange. Inmates detained in admission or release processing areas for periods of time not exceeding eight hours need not be issued linens and bedding.

Subp. 3. **Exchanged.** Clothing shall be exchanged twice each week, at a minimum. Clothing exchange times shall be made available to inmates.

2911.3700 EMERGENCIES AND UNUSUAL OCCURRENCES.

Subpart 1. **Emergency plan.** ~~The~~ A facility administrator shall ~~develop~~ have a written disaster plan. The plan shall include policies and procedures designed to protect the public by securely detaining inmates who represent a danger to the community or to themselves when the facility must be evacuated in total. The plan shall also include: ~~(Mandatory)~~

A. location of alarms and fire fighting equipment;

B. an emergency drill policy as follows:

(1) at least annual drills at all facility locations; and

(2) ~~staff drills shall be conducted~~ even when evacuation of extremely dangerous inmates may not be included;

C. specific assignments and tasks for personnel;

D. persons and emergency ~~department~~ departments to be notified;

E. procedure for evacuation of inmates; and

F. arrangements for temporary confinement of inmates.

Subp. 2. **Quarterly review of emergency procedures.** There shall be a review of emergency procedures once every three months. The review shall include: ~~(Mandatory)~~

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

Subp. 3. **Prompt release evacuation of inmates.** A facility shall ~~develop~~ have a written policy and procedure that specifies the means for the prompt ~~release~~ evacuation of inmates from an area of emergency. ~~(Mandatory)~~

Subp. 4. **Reporting of unusual occurrences.** Incidents of an unusual or serious nature shall be reported within ten days of the incident in writing to the Department of Corrections ~~within ten days in the format required by the department~~. The reports shall include the names of persons involved, staff and inmates, nature of the unusual occurrence, actions taken, and the date and time of the occurrence. Unusual occurrences requiring reporting to the ~~department shall~~ DOC include such occurrences as:

A. attempted suicide;

B. suicide;

C. homicide;

D. death, by means other than suicide or homicide;

E. serious injury or illness ~~incurred~~ subsequent to detention including incidents resulting in hospitalization for medical care ~~or~~;

F. hospitalization associated with mental health needs;

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~~F. G.~~ attempted escape or escape from a secured facility;

~~G. H.~~ incidents of fire requiring medical treatment of staff or inmates or a response by a local fire authority;

~~H. I.~~ riot;

~~F. J.~~ assaults of one inmate by another that result in criminal charges or outside medical attention;

~~F. K.~~ assaults of staff by inmates that result in criminal charges or outside medical attention;

~~K. L.~~ injury to inmates through ~~the use of force~~ response to resistance by staff controlling inmate behavior;

~~E. M.~~ occurrences of infectious diseases and action taken relative to same when a medical authority has determined that the inmate must be isolated from other inmates; and

~~M. N.~~ reporting of all ~~incidences of notice~~ notices of intent to file litigation against the facility resulting from matters related to the detention or incarceration of an inmate-;

~~Unusual occurrences shall be reported on forms provided by the Department of Corrections. In the event of an emergency such as serious illness, accident, or imminent death, individuals so designated by the inmate shall be notified. Permission for notification is to be obtained from the inmate prior to need, if possible.~~

~~O.~~ sexual misconduct, such as inmate on inmate, staff on inmate, and inmate on staff; and

~~P.~~ use of sexual materials, electronic media for sexual purposes, or both.

~~In the event of an emergency such as serious illness or injury where death may be imminent, individuals designated by the inmate shall be notified. Permission for notification, if possible, shall be obtained from the inmate.~~

Subp. 5. **Inmate death.** A facility shall ~~develop~~ have a written policy and procedure ~~to specify that specifies~~ actions to be taken in the event of an inmate death. When an inmate death occurs: ~~(Mandatory)~~

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

~~D.~~ records of a deceased inmate shall be retained for a period of time ~~according to law~~ specified by county policy;

~~E.~~ the facility administrator ~~or designee~~ shall ~~observe~~ ensure observance of all pertinent laws and allow appropriate investigating authorities full access to all facts surrounding the death; and

~~F.~~ in the event the death involves a “vulnerable adult” notification procedures shall be followed in a manner consistent with statutory requirements.

~~Subp. 6. **Work stoppage.** A facility shall have a written plan that provides for continuing operations in the event of a work stoppage or other job action. A copy of the plan must be available to all supervisory personnel who are required to familiarize themselves with the plan.~~

~~Subp. 7. **Mass arrest.** A facility shall have a written plan that governs space arrangements and procedures to be followed in the event of a mass arrest that exceeds the approved capacity of the facility established under parts 2911.0330 to 2911.0370.~~

2911.3800 FOOD HANDLING PRACTICES.

Food service shall be provided according to Minnesota Department of Health, ~~parts 4626.0010 to 4626.1870. (Mandatory) rules.~~

2911.3900 DIETARY ALLOWANCES.

Subpart 1. **Generally.** Nutritional needs of adult inmates, and juvenile inmates housed in an adult facility, shall be met in accordance with their inmate needs or physician’s orders as ordered by a medical professional, and meet the dietary allowances contained in this part: which are based upon 2005 MyPyramid guidelines for a weekly 2,400 calories per day and meeting the 2002 Dietary Reference Intakes.

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A facility governed by this chapter shall have menu planning sufficient to provide each inmate the specified food servings per day contained in subparts 2 to 9. ~~(Mandatory) 7.~~

Subp. 2. **Meat or protein group.** Two or more ~~services~~ servings per day of meat or protein shall be provided. A serving of meat or protein is ~~defined as equal to 14 grams or more of protein and includes food such as:~~

A. two to three ounces cooked ~~(equivalent to weight or three to four ounces raw)~~ weight of any meat without bone, such as beef, veal, pork, lamb, poultry, and variety meats such as liver, ~~heart, and kidney or giblets;~~

B. two slices prepared luncheon meat equal to two to three ounces by weight;

C. two eggs;

D. two to three ounces cooked weight of fresh or frozen ~~cooked~~ fish or shellfish, or one-half cup canned fish;

E. one-half cup cooked navy dry beans plus one ounce of animal protein, peas, or lentils; ~~or~~

F. one ounce of nuts or seeds or two tablespoons of peanut butter;

~~F. G.~~ three ounces of natural or processed cheese or three-fourths cup of cottage cheese, not to exceed six ounces per week as a meat alternate; or

H. two ounces of equivalent meat alternate, such as textured vegetable protein, as certified by the United States Department of Agriculture, Nutrition Standards in the National School Lunch and School Breakfast Programs, Code of Federal Regulations, title 7, parts 210 and 220.

Subp. 3. **Milk Dairy group.** Two or more servings per day of milk shall be provided. A serving is defined as eight ounces (one cup) of milk. A portion of this amount may be served in cooked form, such as cream soups or desserts. The following substitutes may be used: A minimum of two servings per day of dairy shall be provided for adults, with four servings required for juveniles and pregnant females. This includes milk that is pasteurized and fortified with vitamins A and D (fluid, evaporated, dry), cheese, yogurt, and ice cream. One serving per day may be from foods other than fluid milk. A serving is equivalent to eight ounces of fluid milk and provides at least 250 mg calcium, such as:

A. one ounce of American cheese for three-fourths cup milk;

B. one-half cup creamed cottage cheese for one-third cup milk; or

C. one-half cup ice cream for one-fourth cup milk.

A. 1-1/4 ounce American cheese;

B. eight ounces yogurt;

C. two cups ice cream; or

D. eight ounces milk alternate beverage, fortified with a minimum of 250 mg calcium and vitamins A and D.

Subp. 4. **Vegetables Vegetable and fruit group.** ~~Two~~ Five or more servings per day of vegetables and fruits shall be provided. ~~One serving of a vitamin A source must be served four times per week. A serving is defined as one-half cup vegetable or fruit; one medium apple, orange, banana, potato, half a grapefruit, one cup raw leafy greens, one-fourth cup dried fruit, or four ounces 100 percent juice. Potatoes may be included once daily as a vegetable. One serving of a rich vitamin C source must be provided daily and one serving of a rich vitamin A source must be provided four times per week.~~

Rich vitamin C sources include mostly fresh or raw produce, such as: citrus fruits, tomatoes, strawberries, leafy green vegetables, melon, bell peppers, and the broccoli and cabbage families; and may also include foods such as skin-on potatoes, sweet potatoes, and

vitamin C-fortified real fruit juice.

Rich vitamin A sources include foods such as: apricots, cantaloupe, carrots, mixed vegetables with carrots, winter or yellow squash, pumpkin, sweet potatoes or yams, spinach, greens (collard, kale, chard, mustard, beet or turnip), liver (counted under meat), ~~or~~ and broccoli.

Subp. 5. [See repealer.]

Subp. 6. **Bread or cereal.** Five Six or more servings per day of whole grain or enriched cereal and bread products shall be provided. Whole grains are encouraged on a daily basis with the following sources suggested: oatmeal, grits, whole grain ready-to-eat cereal, whole wheat bread, corn tortillas, corn bread, plain popcorn, brown rice, and barley soup and rye crackers. A serving is defined as:

A. one slice of bread or one ounce of bread product, such as sliced bread, buns, biscuits, muffins, pancakes, waffles, sweet rolls, stuffing, crackers, or bagels;

B. one-half cup cooked cereal, pasta, rice, or egg noodles;

C. three-fourths cup dry cereal; or

D. one-half cup macaroni, rice, noodles, and spaghetti; one six-inch tortilla; or

E. three cups popped popcorn.

Subp. 7. **Dairy Fat group.** Servings of butter, fortified margarine, cream, gravy, salad dressing, or salad oil in moderate may be used in minimal amounts shall be used to make food palatable. Facilities are encouraged to reduce sources of saturated and trans fats.

Subp. 8. **Additional servings.** Additional servings of the foods in subparts 2 to 7.4 may be used, or the following foods added, to meet caloric needs: requirements, in addition to soups; sweets, such as, beverages, desserts, sugar, and jellies; or other fats, such as bacon, cream, and salad dressings and condiments. Added sugars should be limited to reasonable amounts recommended for a healthy diet.

Subp. 9. [See repealer.]

2911.4000 ANNUAL FOOD SERVICE REVIEW.

A facility's menu content and cycle shall be reviewed at least once annually by a registered dietitian or nutritionist to ensure compliance with part 2911.3900. ~~(Mandatory)~~ The review and findings shall be documented and on file.

2911.4100 FREQUENCY OF MEALS.

Subpart 1. **Evening meal.** There shall not be more than 14 hours between a substantial evening meal and breakfast. A substantial evening meal is classified as a serving of three or more menu items at one time to include a high quality protein such as meat, fish, eggs, or cheese. The meal shall represent no less than 20 percent of the ~~days~~ day's total nutrition requirements. ~~(Mandatory)~~

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

Subp. 4. **Hot meal minimum.** A minimum of one of the three meals served daily shall be a hot meal.

2911.4200 THERAPEUTIC DIETS.

Subpart 1. **Medical diets.** A facility housing inmates in need of medically prescribed therapeutic diets shall have documentary evidence that the diets are dietitian-approved and provided as ordered by the attending physician. ~~(Mandatory)~~ health services. A healthier general menu contributing to the management of chronic diseases may minimize the need for medical diets.

Subp. 2. **Food-allergy diets.** The seven most common food allergies causing anaphylactic reactions are foods such as: fish, shellfish, tree nuts, peanuts, soy, wheat, and milk. A dietitian-approved allergy diet shall be provided as necessary and shall meet the nutritional guidelines under part 2911.3900.

Subp. 3. **Vegetarian diets.** A facility may provide reasonable animal protein substitutions at meals for inmates requesting vegetarian or vegan diets. A vegetarian or vegan diet must be dietitian-approved and meet the nutritional guidelines under part 2911.3900.

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Subp. 4. **Pregnancy.** A facility shall develop a diet that meets the increased calcium and calorie requirements of pregnant inmates. Pregnant inmates shall be provided a substitution or supplements as ordered by the medical professional or health services. A pregnancy diet must be dietitian-approved and meet the nutritional guidelines under part 2911.3900.

2911.4300 RELIGIOUS DIETS.

A facility shall develop have a written policy and procedure that provides for special diets or meal accommodations for inmates whose religious beliefs require adherence to religious dietary laws. Creation of religious diets shall involve a dietitian and strive to meet the nutritional guidelines under part 2911.3900.

2911.4400 USE OF FOOD IN DISCIPLINE.

Food shall not be withheld as punishment. (Mandatory)

2911.4500 SUPERVISION OF MEAL SERVING.

Meals shall be served under the direct supervision of staff. (Mandatory)

2911.4600 MENU RECORDS.

Records of menus and of foods purchased shall be filed for one year. All menus are shall be planned, dated, and available for review at least one week in advance. Notations are shall be made of any substitutions in the meals actually served, and substitutions shall be of equal nutritional value. (Mandatory)

2911.4700

[Renumbered 2911.4800 subp 5]

2911.4800 ~~CANTEEN COMMISSARY.~~

Subpart 1. **List of approved canteen commissary items to be purchased by staff member at local store.** Class II to Class VI facilities with approved capacities of 50 or less, shall provide inmates with a printed list of approved canteen items to be purchased by a facility staff member at local stores, if the facility does not operate a canteen in the facility. A facility with an approved capacity of more than 50 inmates shall establish, maintain, and operate a commissary. The facility shall have a written policy and procedure regarding commissary operation that must allow an inmate to purchase approved items not furnished by the facility. Class I facilities are not required to provide commissary services.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

2911.4900 ~~SECURITY POLICIES AND PROCEDURES, GENERAL INSPECTION.~~

A The facility shall develop have a written policy and procedure for security and control, including procedures for emergencies that are contained in a manual which is available to all staff and is reviewed annually and updated as needed to require the facility administrator or designee to inspect all areas within the security perimeter, and equipment at least monthly and initiate corrective action if needed.

2911.4950 RESPONSE TO RESISTANCE.

Subpart 1. **Policies and procedures.** The facility administrator or designee shall have written policies and procedures to provide for response to resistance. All personnel directly involved in the response shall submit written reports to the facility administrator or designee no later than the conclusion of the shift. Submission of these reports may be delayed when a staff member sustains serious injury, hospitalization, or both.

Subp. 2. **Instruments of restraint; limitations.** Instruments of restraint shall not be:

A. used as punishment; and

B. applied for any longer time than is necessary.

Subp. 3. **Use of instruments of restraint.** Instruments of restraint shall not be used except in the following circumstances:

A. as a precaution against escape during a transfer;

B. on medical grounds by direction of the health authority or attending physician or psychologist;

C. by order of the facility administrator or person in charge in order to prevent an inmate from injuring self or others or from damaging property; or

D. for routine inmate movement.

Subp. 4. **Equipment.** The issue, storage, inspection, and use of chemical agents, impact devices, electronic control devices, and other security devices shall be governed by written policy and procedure.

All unissued security devices and equipment shall be stored in a secure, readily accessible depository located outside inmate housing and activity areas, and inventoried at least monthly to determine condition and expiration dates of the devices and equipment.

Subp. 5. **Firearms.** Facility policy and procedure shall provide for the use of firearms and include the following:

A. except in an emergency situation, firearms are not permitted within the secure perimeter; and

B. there shall be a secure weapons locker located outside the security perimeter of the facility.

Subp. 6. **Training.** Facility policy shall provide that all personnel authorized to use security equipment and instruments of restraint are trained according to manufacturer's specifications or facility's training requirements.

Subp. 7. **Record.** The facility shall maintain a written record of emergency distribution of security devices and equipment.

2911.5000 POST ORDERS; FORMAL INMATE COUNT; WELL-BEING CHECKS.

Subpart 1. **Post orders and accountability.** There shall be written orders for every security post that are reviewed annually and updated if necessary. A written policy and procedure shall require that personnel read, sign, and date applicable post orders at least annually, or as needed for new posts or revisions. Medium and large facilities with multiple posts may need to conduct these reviews more often.

Subp. 2. [See repealer.]

Subp. 3. **Security post records.** ~~Custodial~~ Custody staff members shall maintain a permanent record and prepare shift reports that document routine and emergency situations and unusual incidents. Records shall be maintained according to the county retention schedule.

Subp. 4. **Counting.** A facility shall have a written policy describing the system of counting inmates.

Formal counts shall be completed with an official entry made in the daily log at least once each eight hours.

The facility shall maintain a system that identifies the whereabouts of all inmates in custody and includes a system of accountability for inmates approved for temporary absences from their assigned housing units.

A written policy and procedure shall provide that staff regulate inmate movement.

Subp. 5. **Well-being.** A facility shall have a system providing for well-being checks of inmates.

A written policy and procedure shall provide that all inmates are personally observed by a custody staff person at least once every 30 minutes. Thirty-minute checks should be staggered. If a well-being check does not occur due to an emergency, it must be documented in the jail log and have supervisory review and approval.

More frequent observation is required for those inmates of a special need classification who may be harmful to themselves. Examples of inmates of a special need classification include those classified as potentially suicidal, or as mentally ill, or those experiencing withdrawal from drugs or alcohol.

Proposed Rules

2911.5100

[Renumbered 2911.2525]

2911.5200

[Renumbered 2911.2550]

2911.5300 SEARCHES, SHAKEDOWNS, AND CONTRABAND CONTROL.

Subpart 1. **Contraband control.** ~~The A facility administrator shall develop have~~ a written policy and procedure ~~which that~~ provides for searches of facilities ~~and, inmates, and inmate property~~ to control contraband and provide for its disposition. ~~(Mandatory)~~

Subp. 2. **Body searches.** A facility shall ~~develop have~~ a written policy and procedure ~~which that~~ provides for ~~pat, strip, pat, and~~ body cavity, ~~and inmate property~~ searches in accordance with law. ~~(Mandatory)~~

Subp. 3. **Visitors Facility access.** A facility shall ~~develop have~~ a written policy and procedure ~~which will that must~~ specify the circumstances under which ~~visitors are persons and personal property may be~~ searched.

~~Visitors~~ Persons who seek to enter the security perimeter of the facility shall not be permitted admission if they refuse to submit to a requested search. ~~(Mandatory)~~

Subp. 4. **Daily inspections.** ~~The A facility shall be inspected at least daily for contraband, evidence of breaches in security, and inoperable security equipment. (Mandatory), and shall document the inspection.~~

Subp. 5. **Delivery inspection.** Materials delivered to or transported from the facility's security perimeter shall be inspected for contraband prior to distribution. ~~(Mandatory)~~

2911.5400

[Renumbered 2911.5550]

2911.5450 DANGEROUS MATERIALS.

A facility shall have a written policy and procedure that specifies that materials dangerous to either security or safety shall be properly secured.

Storage and use of flammable, toxic, and caustic materials must be in accordance with all applicable laws and regulations of governing jurisdictions.

The policy must cover control and use of tools and culinary and medical equipment.

2911.5500

[Renumbered 2911.5450]

2911.5550 LOCKS AND KEYS.

Subpart 1. **General.** Keys or other access control devices to security locks shall be properly tagged and stored in a secure cabinet within a secure area, and out of reach of the inmates or the public.

At least one complete functional set of facility keys shall be kept on hand for replacement or emergency purposes.

Keys that serve a critical security purpose shall be easily identifiable and never issued except upon order of the facility administrator or person in charge, and according to established procedure.

No security keys shall be made available to inmates regardless of status.

Subp. 2. **Lock policy.** A facility shall have a written policy and procedure that requires that all security perimeter entrances, control center doors, and housing unit doors are kept locked, except when used for admission or exit of employees, inmates, or visitors, and in an emergency. A facility equipped with a sally port shall ensure that only one of the doors of a sally port is opened at any point in time for

entry or exit purposes.

Subp. 3. **Regular testing.** Locks to security doors or gates shall be tested for proper function at least weekly to ensure proper operation.

Subp. 4. **Inoperable locks.** A lock to a security door or gate shall not be inoperable or left in a nonworking condition.

An inmate shall not be secured in a cell or area that has inoperable locks.

Subp. 5. **Keys.** A facility shall have a written policy and procedure that provides for the control and use of keys and other access control devices.

2911.5700 COUNT PROCEDURE CHECK.

Subpart 1. [Renumbered 2911.5000 subp 4]

Subp. 2. [Renumbered 2911.5000 subp 5]

2911.5800 AVAILABILITY OF MEDICAL AND DENTAL RESOURCES.

Subpart 1. **Availability of resources, general.** Under the direction of a health authority, a facility shall develop a written policy and procedure ~~which that~~ provides for the delivery of health care services, including medical, dental, and mental health services.

Subp. 2. **Health care.** Medical, dental, and mental health matters involving clinical judgments are the sole province of the responsible physician, dentist, and psychiatrist or qualified psychologist respectively; however, security regulations applicable to facility personnel also apply to health personnel. ~~(Mandatory)~~

Subp. 3. **Health care policy review.** Facility policy shall ensure that each policy, procedure, and program in the health care delivery ~~program system~~ is reviewed and documented at least annually under the direction of the health authority and revised as necessary. ~~Review and revision of each policy, procedure, and program shall be documented.~~

Subp. 4. **Emergency health care.** A facility shall develop a written policy and procedure ~~which that~~ requires that the facility provide 24-hour emergency care availability as outlined in a written plan, which includes provisions for the following arrangements: ~~(Mandatory)~~

A. emergency evacuation of the inmate from within the facility;

B. use of an emergency medical vehicle, available on a 24-hour basis;

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

Subp. 5. **Health care liaison.** In a facility without full-time qualified health care personnel, a designated health-trained staff member may act as liaison to coordinate the health care delivery in the facility under the direction of the health authority.

Subp. 6. **Medical screening.** A facility shall ~~develop have~~ a written policy and procedure ~~which that~~ requires ~~that~~ medical screening is performed and recorded by trained staff on all inmates on admission to the facility. The findings are to be recorded in a manner approved by the ~~responsible physician health authority~~. The screening process shall include procedures relating to: ~~(Mandatory)~~

A. Inquiry into:

(1) current illness and health problems, including dental ~~problems, sexually transmitted diseases~~ emergencies, and other infectious diseases;

(2) medication taken and special health requirements;

(3) use of alcohol and other drugs ~~which that~~ include types of drugs used, mode of use, amounts used, frequency used, date or time of last use, and history of problems that may have occurred after ceasing use, for example, convulsions;

(4) past and present treatment or hospitalization for mental illness or attempted suicide; ~~and~~

(5) other health problems designated by the ~~responsible physician health authority~~; and

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(6) signs and symptoms of active tuberculosis to include weight loss, night sweats, persistent cough, coughing up blood, low grade fever, test within last three months and results, and tuberculin skin test.

B. Observations of:

(1) behavior ~~which that~~ includes state of consciousness, mental status, appearance, conduct, tremor, and sweating; and

(2) body deformities, trauma markings, body piercings, bruises, lesions, and jaundice.

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

Subp. 7. **Health appraisal care follow-up.** A facility shall develop written policy and procedures ~~which that~~ require that an inmate who presents with a chronic or persistent medical condition be provided with a health appraisal ~~within 14 days of admission. The health appraisal includes the following: care follow-up.~~

~~A: review of the receiving screening in subpart 6;~~

~~B: collection of additional data to complete the medical, dental, psychiatric, and immunization histories;~~

~~C: recording of height, weight, pulse, blood pressure, and temperature;~~

~~D: administration of other tests and examinations as appropriate; and~~

~~E: initiation of treatment when appropriate.~~

Subp. 8. **Health complaints.** A facility shall develop a written policy and procedure ~~which that~~ requires that inmates' health complaints are acted upon daily by health-trained staff, followed by triage and treatment by health care personnel if indicated. ~~(Mandatory)~~

Subp. 9. **Sick call.** A facility shall develop a written policy and procedure ~~which that~~ requires that there is a continuous response to health care requests and that sick call, conducted by a physician or other health care personnel is available to each inmate as follows:

A. in small facilities of less than 50 60 inmates, sick call is held once per week at a minimum;

B. in medium sized facilities of 50 60 to 200 inmates, sick call is held at least three days per week;

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

[For text of subp 10, see M.R.]

Subp. 11. **Examinations.** Examinations, treatments, and procedures affected by informed consent standards governed by state or federal law shall be observed for inmate care. ~~(Mandatory)~~

The informed consent of the parent, guardian, or legal custodian must be obtained when required by law.

Where health care treatment must be provided against an inmate's will, it must be provided according to law.

Subp. 12. **Ambulance services.** Ambulance services shall be available on a 24-hour-a-day basis. ~~(Mandatory)~~

2911.5900 POSTING OF AVAILABLE RESOURCES.

A listing of telephone numbers of the medical, dental, mental health, and ambulance services available shall be posted at the facility's primary staff control station along with a schedule of availability. ~~(Mandatory)~~

2911.6000 FIRST AID.

Subpart 1. [See repealer.]

Subp. 2. **First aid kit equipment.** A facility ~~shall have a minimum of one first aid kit located at the facility's control center or primary staff station.~~ Facility policy shall ~~indicate~~ require that first aid kits are available in designated areas of the facility ~~as approved by the responsible physician.~~ ~~(Mandatory)~~

Subp. 3. [Renumbered 2911.6200 subp 1a]

2911.6100

[Renumbered 2911.1350]

2911.6200 MEDICAL AND DENTAL RECORDS.

Subpart 1. [Renumbered subp 1b]

Subp. 1a. **Medical and dental records.** A facility shall record complaints of illness or injury and actions taken. Medical or dental records are maintained on inmates under medical or dental care. Records shall include:

- A. the limitations and disabilities of the inmate;
- B. instructions for inmate care;
- C. orders for medication including stop date;
- D. any special treatment or diet;
- E. activity restriction; and
- F. times and dates when the inmate was seen by medical personnel.

Medical and dental records shall be available to staff for consultation in case of illness and for recording administration of medications.

Subp. 1b. **Release of information consent forms.** Release of information consent forms must comply with applicable federal and state regulations.

Subp. 2. **Data practices.** The medical record file shall be maintained separately and according to the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13. ~~(Mandatory)~~

Subp. 2a. **Sharing information.** The responsible physician or health care personnel shall share with the facility administrator information regarding an inmate's medical management, security, and ability to participate in programs.

Subp. 3. **Available information.** Medical record file information available to health-trained staff and custody personnel shall minimally include summary medical information provided by the responsible physician health authority or health care personnel ~~which~~ that ensures sufficient detail to allow health-trained staff persons or other custody personnel to ensure medical care of inmates in their custody in a manner consistent with that prescribed by the responsible physician or health care personnel.

Subp. 4. [See repealer.]

Subp. 5. [Renumbered subp 2a]

Subp. 6. **Transfer of records.** A facility shall ~~develop~~ have a written policy and procedure regarding the transfer of health records and information that establishes the following requirements: ~~(Mandatory)~~

A. summaries or copies of the health record ~~must be~~ are sent to the facility to which the inmate is transferred. Upon the request and written authorization of the inmate, physicians or medical facilities in the community shall be provided health record information; and
[For text of item B, see M.R.]

2911.6300

[Renumbered 2911.2750]

2911.6400 DELIVERY, SUPERVISION, AND CONTROL OF MEDICINE MEDICATION.

~~A facility administrator shall;~~ In consultation with the responsible physician health authority, ~~develop~~ a facility administrator shall have a written policy and procedure for the secure storage, delivery, administration, and control of medicine medication according to parts

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2911.6500 to 2911.6800.

2911.6500 STORAGE.

Subpart 1. **Locked area.** ~~Medicine Medication~~ shall be stored in a locked area. The storage area shall be kept locked when not in use by authorized staff. ~~(Mandatory)~~

Subp. 2. **Refrigeration.** ~~Medicine Medication~~ requiring refrigeration shall be refrigerated and secured and the temperature checked daily. ~~(Mandatory)~~ There must be separate refrigeration for medications only.

Subp. 3. **Access.** Inmates shall not be permitted access to ~~medicine medication~~ storage. Only health-trained staff or health care personnel shall have access to keys for the ~~medicine medication~~ storage area. ~~(Mandatory)~~

Subp. 4. **Drugs Medication.** Stock supplies of ~~legend (prescription-type) drugs shall not~~ prescription medications may be maintained at the discretion and upon the approval of the facility's health authority. Prescription ~~medicine medication~~ shall be kept in its original container, bearing the original label. Poisons; and ~~medicine medication~~ intended for external use; shall be clearly marked. ~~(Mandatory)~~ A limited quantity of life-saving prescription medications as approved by the medical authority may be maintained in emergency kits.

Subp. 5. **Controlled substances.** There shall be a procedure for maximum security storage of and accountability for controlled substances. ~~(Mandatory)~~

Subp. 6. **Needles and other medical sharps.** ~~Needles, syringes, lancets, and other sharp equipment and supplies~~ There shall be a written policy and procedure for the control and disposal of medical sharps and supplies. Medical sharps and supplies when used or stored in inmate housing areas shall be accounted for and secured in a locked area. ~~(Mandatory)~~

2911.6600 DELIVERY.

Subpart 1. **Delivering medication.** A person delivering medication to an inmate must do so under the direction of the responsible physician health authority or health care personnel. ~~(Mandatory)~~

Subp. 2. **Training.** Only persons who have received training appropriate to this assignment may deliver medication. ~~(Mandatory)~~

Subp. 3. **Refresher training.** A nonmedical staff person delivering medication shall receive refresher training a minimum of once every three years. ~~(Mandatory)~~

Subp. 4. **Documentation.** Initial and refresher training must be documented. ~~(Mandatory)~~

Subp. 5. **Recording deliveries.** A person responsible for delivering medications shall do so according to orders, and record the delivery of medications in a manner ~~and on a form~~ approved by the health care authority. ~~(Mandatory)~~

Subp. 6. **Deliveries by health-trained staff.** ~~Medicine Medication~~ shall be delivered to ~~inmates~~ an inmate by health-trained staff. The An inmate will shall administer the inmate's medication under staff supervision. ~~(Mandatory)~~

Subp. 7. **Identification procedures.** There shall be a written procedure for the identification of the recipient of the ~~medicine medication.~~ ~~(Mandatory)~~

Subp. 8. **Oral ingestion procedures.** There shall be procedures for confirming that ~~medicine medication~~ delivered for oral ingestion has been ingested. ~~(Mandatory)~~

Subp. 9. **Adverse reaction reports.** There shall be procedures for health-trained staff to report ~~to the responsible physician, prescribing physician, or any adverse reaction incidents~~ to health care personnel any adverse reactions to drugs. The adverse reaction to a drug shall be documented. ~~(Mandatory)~~

Subp. 10. **Refusal of prescribed drugs medications.** There shall be procedures for ~~reporting an~~ health-trained staff to report an inmate's refusal of prescribed ~~medicine medication~~ to the attending physician, responsible physician, or health care personnel on the first occasion of such medication refusal. The refusal and directives by the ~~attending physician, responsible physician, or health care personnel~~

shall be documented. (Mandatory)

Subp. 11. **No drug medication deprivation punishment.** ~~There shall be procedures for ensuring that no An inmate shall not be deprived of prescribed medicine medication as a means of punishment. (Mandatory)~~

Subp. 12. **Inmate medicine medication delivery prohibited.** ~~There shall be procedures which prohibit the Delivery of medicine medication by inmates is prohibited. (Mandatory)~~

Subp. 13. [See repealer.]

Subp. 14. **Expiration of drug medication order.** ~~There shall be a procedure for notifying the attending physician, responsible physician, or Health care personnel shall be notified of the impending expiration of a drug medication order so that it can be determined whether the drug medication should be continued or altered. (Mandatory)~~

Subp. 15. **Nonlegend medicine Nonprescription medication.** ~~Nonlegend (Over-the-counter nonprescription) medicine medication available to inmates will shall be approved by the responsible physician or health care personnel. Delivery of nonlegend (nonprescription) medicine medication by custody staff shall be documented. (Mandatory)~~

Subp. 16. **Keep-on-person medications.** There shall be a policy and procedure for keep-on-person medications that provides for:

A. medications identified and approved by the health authority as appropriate for self-administration and storage in an inmate's cell;

B. procedures for an inmate's overdose of the medication;

C. consequences if too much medication is found in the inmate's possession;

D. how the distribution of medications under this subpart is going to be documented; and

E. nonprescription medications, if any, that are available to inmates through vending machines or commissary.

Keep-on-person medications shall be documented for each inmate.

2911.6700 ADMINISTRATION.

Subpart 1. **Injection.** Medication administered by injection shall be given by a physician or health care personnel. (Mandatory)

Subp. 2. **Insulin.** ~~Under physician or health care personnel order,~~ Insulin-dependent diabetic inmates shall be permitted to self-administer insulin under direct health-trained staff supervision. (Mandatory)

Subp. 3. **Topical medication.** Topical medications, ~~as well as and~~ eye or ear drops; may be permitted for inmate self-administration as directed ~~and observed by health-trained staff health care personnel.~~ (Mandatory)

2911.6800 CONTROL.

Subpart 1. **Records.** Records of receipt, the quantity of ~~such the~~ drugs, and the disposition of all ~~legend drugs~~ prescription medications shall be maintained in ~~sufficient~~ detail to enable an accurate accounting. (Mandatory)

Subp. 2. **Verifying legend drugs prescription medications.** ~~There shall be procedures for verifying legend drugs not prescribed by the facility physician An inmate's own supply of prescription medications brought into the facility shall be verified prior to dispensing. (Mandatory)~~

Subp. 3. **Prescribed medication upon transfer or release.** Prescribed medication shall be given to an inmate or to the appropriate authority upon transfer or release, unless the attending physician decides that in the medical interest of the inmate the ~~drugs medications~~ should not be released with the inmate. The action taken shall be documented. (Mandatory)

Subp. 4. **Destruction of medication.** ~~There shall be written procedures for~~ The destruction of medication on expiration dates or when retention is no longer necessary or suitable; must be consistent with Minnesota Board of Pharmacy requirements of the Minnesota

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Pollution Control Agency. ~~(Mandatory)~~

2911.6900 MEDICAL RESEARCH.

The use of inmates for medical, pharmaceutical, or cosmetic experiments is prohibited. ~~(Mandatory)~~

2911.7000 TUBERCULOSIS SCREENING; SEPARATION OF INMATES WITH INFECTIOUS DISEASE.

Subpart 1. **Separation Policy.** A facility shall ~~develop~~ have a written policy and procedure ~~which will address that~~ addresses the management of serious and infectious diseases. This policy and procedure shall be updated as new information becomes available. ~~(Mandatory)~~

Subp. 2. **Screening.** Employees and inmates shall be screened for tuberculosis according to *Minnesota Statutes*, section 144.445. The Department of Corrections adopts by reference Minnesota Department of Health requirements for tuberculosis screening of employees and inmates in facilities governed by this chapter. ~~(Mandatory)~~

2911.7100 INMATES WITH SPECIAL NEEDS.

Subpart 1. **Postadmission screening.** The facility written policy and procedure shall require postadmission screening and referral for care of inmates with special needs, whose adaptation to the correctional environment is significantly impaired. ~~(Mandatory)~~

Subp. 2. **Inmates with special needs.** For the purposes of this part, an inmate with special needs shall include, but need not be limited to, those with functional impairments, those defined as mentally ill, those defined as developmentally disabled, ~~those defined as chemically dependent~~, those defined as mentally ill and dangerous to the public, and those defined as individuals with disabilities.

Subp. 3. **Special needs inmate Management of inmates.** A policy and procedure shall be developed for the management of inmates with special needs and shall include: ~~(Mandatory)~~

A. procedures ~~which that~~ require referral for emergency admission under *Minnesota Statutes*, chapter 253B, of persons considered to be mentally ill or developmentally disabled, and in imminent danger of injuring self or others if not immediately restrained; and

B. procedures for accessing and using emergency services according to *Minnesota Statutes*, chapter 253B, for adults who are experiencing an emotional crisis or mental illness.

C. ~~The facility shall have a written suicide prevention and intervention plan.~~

2911.7200 HOUSEKEEPING, SANITATION, AND PLANT MAINTENANCE.

Subpart 1. **General.** A facility shall ~~develop~~ have a policy and procedure ~~which indicates that~~ provides that the facility shall:

A. be kept in good repair to protect the health, comfort, safety, and well-being of inmates and staff. ~~(Mandatory)~~;

B. document weekly sanitation inspections; and

C. document deficiencies from the weekly sanitation inspection, if any, have been ordered.

Subp. 2. **Maintenance plan.** A written housekeeping plan for all areas of the physical plant ~~provides~~ shall provide for daily housekeeping and regular maintenance by assigning specific duties and responsibilities. Facility floors are kept clean, dry, and free of hazardous substances. A written policy and procedure shall establish the following requirements:

A. weekly sanitation inspections of all institution areas by a designated staff member; and

B. there is documentation that deficiencies, if any, have been corrected; and

C. ~~compliance with applicable laws and regulations of the governing jurisdiction as documented by an annual health inspection.~~ ~~(Mandatory)~~

Subp. 3. **Department rules.** Plumbing, sewage disposal, solid waste disposal, and plant maintenance conditions ~~must~~ comply with rules ~~required by the~~ of:

A. the Minnesota State Building Code;

B. the Minnesota Fire Marshal's Office;

C. the Minnesota Department of Health;

D. the Minnesota Department of Labor and Industry (O.S.H.A.); and

E. other ~~departmental rules having the force of law~~ local government. (Mandatory)

Subp. 4. **Plan.** A facility shall establish a plan for the daily inspection of housekeeping, sanitation, and plant maintenance. (Mandatory)

Subp. 5. **Cost list of needed supplies and repairs.** The facility administrator shall submit to the governing body a list of repairs and supplies needed in order to maintain the facility. This shall be done on a monthly basis or as part of the annual budget. (Mandatory)

2911.7300 FIRE INSPECTION.

Subpart 1. **Annual inspection.** Each facility shall by policy require that a fire inspection of the facility must be conducted in accordance with the applicable fire code on an annual basis by a state fire marshal or local fire official. (Mandatory)

Subp. 2. **Documentation.** Documentation of the inspection and any orders resulting from the inspection must be maintained and available to the ~~department~~ DOC.

[For text of subp 3, see M.R.]

Subp. 4. **Weekly inspection.** There shall be an applicable fire code and safety inspection of the ~~institution~~ facility at least weekly by a designated staff member.

[For text of subp 5, see M.R.]

2911.7400 POLICIES AND PROCEDURES TO DETECT DETERIORATION OF BUILDING AND EQUIPMENT.

The facility administrator ~~or designee~~ shall ~~develop~~ have policies and procedures designed to detect building and equipment deterioration, safety hazards, and unsanitary conditions. Policies and procedures shall include requirements that facility staff report unsanitary and unsafe conditions as well as physical plant and equipment repairs and replacement needs; and documentation that appropriate work orders or requests for budget resources to effect needed repair, replacement, or corrections have been made.

2911.7500 ELIMINATION OF CONDITIONS CONDUCTIVE TO VERMIN AND PESTS.

The facility policy shall ~~ensure that there is~~ have a written plan for the control and elimination of vermin and pests. (Mandatory)

2911.7600 WASTE DISPOSAL.

Facility policy shall ensure that the facility provides ~~for~~ a waste disposal system; ~~according to an approved plan by the appropriate regulatory agency.~~ (Mandatory)

REPEALER. Minnesota Rules, parts 2911.0200, subparts 8, 18, 21, 33, 34, 37, 43, 47, 53, 54, 63, 65, 68, 69, 70, and 72; 2911.0300, subpart 5; 2911.0330, subpart 1; 2911.0340, subpart 2; 2911.0350; 2911.0400, subpart 3; 2911.0900, subparts 13 and 16; 2911.2000; 2911.2800, subparts 3 and 5; 2911.3000; 2911.3900, subparts 5 and 9; 2911.4800, subparts 2, 3, and 4; 2911.5000, subpart 2; 2911.5600; 2911.6000, subpart 1; 2911.6200, subpart 4; and 2911.6600, subpart 13, are repealed.

Proposed Rules

Minnesota Department of Health (MDH)

Division of Infectious Disease Epidemiology, Prevention and Control Proposed Permanent Rules Relating to Immunization of School Age Children and Children in Child Care and School-Based Early Childhood Programs

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 RD4101, Governor's Tracking Number AR1052 Proposed Amendments to Rules Governing Child Care and Schools Immunization Requirements, *Minnesota Rules*, Chapter 4604

Introduction. The Department of Health 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 Friday, May 31, 2013, the Department will hold a public hearing in B144, Orville L Freeman Building, 625 North Robert Street, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Thursday, June 27, 2013. 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 May 31, 2013 and before June 27, 2013.

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: Patricia Segal Freeman, at P.O. Box 64975, St. Paul, MN 55164-00975, **phone:** (651) 201-5503 or 1-800-657-3970, **fax:** (651) 201-5501, and **e-mail:** health.immrule@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules govern child care and school immunizations. The Department is considering rules that modify the current child care and school immunization requirements. The statutory authority to adopt the rules is *Minnesota Statutes*, section 121A.15, subdivision 12. A copy of the proposed rules is published in the *State Register* and on the MDH website at <http://www.health.state.mn.us/divs/idepc/immunize/immrule/index.html>. 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 Friday, May 31, 2013, 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. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the 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 Friday, May 31, 2013. 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.

Modifications. The Department may 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

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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 June 27, 2013, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-5503 or 1-800-657-3970 after May 31, 2013 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) 201-5503 or going on-line at <http://www.health.state.mn.us/divs/idepc/immunize/immrule/index.html>.

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 Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7842, and fax: (651) 361-7936.

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 is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR is also posted on the MDH website at <http://www.health.state.mn.us/divs/idepc/immunize/immrule/index.html>.

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) 296-5148 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 review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

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

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

Dated: 11 April 2013

Edward P. Ehlinger, MD, MSPH, Commissioner
Minnesota Department of Health

Proposed Rules

4604.0200 DEFINITIONS.

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

Subp. 2a. **Medically acceptable standards.** “Medically acceptable standards” means immunization recommendations promulgated at the national level by the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

[For text of subps 3 and 4, see M.R.]

Subp. 4a. School-based early childhood program.

A. Under authority of *Minnesota Statutes*, section 121A.15, subdivision 12, “school-based early childhood program” means a program that provides services to children from birth to the start of kindergarten in a classroom setting. Whether in a school building or not, the program meets at least once a week for six weeks or more during the year with the purpose of providing instructional or other services to support children’s learning and development. It does not include drop-in playtime provided through a school-based early childhood program in a school or classroom setting.

B. The definition in this subpart applies to parts 4604.0100, 4604.0300, 4604.0400, 4604.0500, 4604.0700, 4604.0900, and 4604.1000, and *Minnesota Statutes*, section 121A.15.

[For text of subps 5 and 6, see M.R.]

4604.0410 REPORT.

A. The school report required under *Minnesota Statutes*, section 121A.15, subdivision 8, must be filed with the commissioner of health within 90 days of the commencement of each new school term.

B. The administrator or other person having general control and supervision of the child care facility or school-based early childhood program shall file a report with the commissioner of health on all persons enrolled in the child care facility by December 1 of each year.

4604.0420 POLIO VACCINATION REQUIREMENT.

Except as provided in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), and for children who have completed the polio vaccination series by September 1, 2014, to enroll or remain in a child care facility, a school-based early childhood program, or an elementary or secondary school, beginning September 1, 2014, a child’s parent or legal guardian must submit documentation to the administrator or person having general control and supervision of the facility, program, or school that the child has received vaccination consistent with medically acceptable standards against poliomyelitis.

4604.0430 TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINATION REQUIREMENT.

Except as provided in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), and for children who have completed the tetanus, diphtheria, and pertussis vaccinations by September 1, 2014, to enroll or remain in a child care facility or school-based early childhood program or elementary school, beginning September 1, 2014, a child’s parent or legal guardian must submit documentation to the administrator or person having general control and supervision of the facility or program that the child has received vaccination consistent with medically acceptable standards against diphtheria, tetanus, and pertussis.

4604.0600 CHANGES IN MEASLES, MUMPS, AND RUBELLA VACCINE VACCINATION REQUIREMENTS; KINDERGARTEN THROUGH GRADE 12.

Subpart 1. **Measles, mumps, and rubella at kindergarten.** Except as provided in subpart 2 or in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), a student enrolling in kindergarten during or after the 2004-2005 school year must submit documentation that the student received two doses of vaccine each for measles, mumps, and rubella or have an exemption statement according to *Minnesota Statutes*, section 121A.15, subdivision 3. The documentation must be submitted to the administrator or person having general control and supervision of the school; the following documentation is required:

A. beginning with the 2014-2015 school year, students in kindergarten through grade 12 must have: (1) proof of receipt of vaccination consistent with medically acceptable standards against measles, mumps, and rubella; (2) documentation of a history of having had measles, mumps, and rubella; or (3) an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), and produce the documentation or exemption statement if required to do so; and

B. beginning with the 2014-2015 school year, a student entering kindergarten or grade 7 must submit: (1) documentation of

vaccination consistent with medically acceptable standards against measles, mumps, and rubella; (2) documentation of a history of having had measles, mumps, and rubella; or (3) an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d). The documentation or exemption statement required by this subpart must be submitted to the administrator or person having general control and supervision of the school.

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

4604.0810 HEPATITIS B VACCINATION REQUIREMENT; KINDERGARTEN THROUGH GRADE 12.

A. Beginning with the 2014-2015 school year, students in kindergarten through grade 12 must have proof of receipt of vaccination consistent with medically acceptable standards against hepatitis B, or have an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), and produce the documentation or exemption statement if required to do so.

B. Beginning with the 2014-2015 school year, a student entering kindergarten or grade 7 must submit documentation of vaccination consistent with medically acceptable standards against hepatitis B, or submit an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d). The documentation or exemption statement required by this subpart must be submitted to the administrator or person having general control and supervision of the school.

4604.0815 HEPATITIS B VACCINATION REQUIREMENT; OTHER.

Beginning September 1, 2014, a child enrolling in child care or a school-based early childhood program must submit documentation of vaccination consistent with medically acceptable standards against hepatitis B, or submit an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), to the administrator or person having general control and supervision of the program.

4604.0820 HEPATITIS A VACCINATION REQUIREMENT.

Beginning September 1, 2014, a child enrolling in child care or a school-based early childhood program must submit documentation of vaccination consistent with medically acceptable standards against hepatitis A, or submit an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), to the administrator or person having general control and supervision of the program.

4604.0900 NEW VARICELLA VACCINE VACCINATION REQUIREMENT.

Subpart 1. **Requirements for child care enrollees.** Except for children who have already been vaccinated with the varicella vaccine prior to September 1, 2014, beginning September 1, 2004 2014, a child 18 15 months of age or older who is enrolled in a child care facility in this state must submit:

A. documentation of receipt of the varicella vaccine consistent with medically acceptable standards;~~submit;~~

B. documentation of a history of the varicella disease; or ~~submit~~

C. an exemption statement according to as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d). The documentation or exemption statement required by this subpart must be submitted to the administrator or ~~other~~ person having general control and supervision of the child care facility.

Subp. 2. **Requirements for students.**

A. Beginning with the 2014-2015 school year, students in kindergarten through grade 12 must have:

(1) proof of receipt of vaccination consistent with medically acceptable standards against varicella;

(2) documentation of a history of having had varicella disease; or

(3) proof of an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d).

B. Beginning with the 2004-2005 school year, a student entering kindergarten or seventh grade must submit:

(1) documentation of receipt of the varicella vaccine consistent with medically acceptable standards;~~submit;~~

(2) documentation of a history of the varicella disease; or ~~submit~~

Proposed Rules

(3) an exemption statement according to as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d). The documentation or exemption statement required by this subpart must be submitted to the administrator or other person having general control and supervision of the school.

[For text of subp 3, see M.R.]

Subp. 4. **Documentation of disease history.** Documentation of a history of the varicella disease under subparts 1 and 2 must include one of the following:

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

D. on or before August 31, 2010, the signature of if a child had varicella disease before September 1, 2010, a statement documenting the child had varicella disease that is signed by the child's parent or legal guardian and must include includes the year that the child had the varicella disease. This item expires September 1, 2010.

4604.1010 TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINATION REQUIREMENT; GRADES 7 TO 12.

A. Beginning September 1, 2014, a student entering grade 7 must submit documentation of vaccination consistent with medically acceptable standards against tetanus, diphtheria, and pertussis, or submit an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), to the administrator or person having general control and supervision over the school.

B. Beginning with the 2014-2015 school year, students in grades 7 through 12 must have proof of receipt of vaccination consistent with medically acceptable standards against tetanus, diphtheria, and pertussis, or have an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), and produce the documentation or exemption statement if required to do so.

4604.1020 MENINGOCOCCAL VACCINATION REQUIREMENT; GRADES 7 TO 12.

A. Beginning September 1, 2014, a student entering grade 7 must submit documentation of vaccination consistent with medically acceptable standards against meningococcal disease, or submit an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), to the administrator or person having general control and supervision over the school.

B. Beginning with the 2014-2015 school year, students in grades 7 through 12 must have proof of receipt of vaccination consistent with medically acceptable standards against meningococcal disease, or have an exemption statement as specified in *Minnesota Statutes*, section 121A.15, subdivision 3, paragraph (c) or (d), and produce the documentation or exemption statement if required to do so.

Minnesota Department of Labor and Industry (DLI)

Occupational Safety and Health Division

Proposed Exempt Permanent Rules Adopting Federal OSHA Standards

Proposed Revisions to the Occupational Safety and Health Standards and Request for Comments

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Department of Labor and Industry, Occupational Safety and Health Rules, as authorized under *Minnesota Statutes* §182.655. This notice proposes the adoption by reference of amendments to Occupational Safety and Health Standards that have already been proposed and adopted by the Federal Occupational Safety and Health Administration (Federal OSHA), and proposes repeal of a *Minnesota Rule* which is now covered by a federal standard.

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any proposed change. Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the

Proposed Rules

Department will proceed according to the provisions of *Minnesota Statutes* §182.655 and *Minnesota Rules* 5210.0020 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Ken Peterson, Commissioner
Department of Labor and Industry

SUMMARY OF CHANGES

The following is a brief summary of the proposed amendments. The federal standard proposed for adoption follows this summary. To review the complete *Federal Register* notices referenced below, visit www.osha.gov.

(A) Updating OSHA standards Based on National Consensus Standards; Head Protection; Direct final rule; request for comments. On June 22, 2012, federal OSHA published in the *Federal Register*, the direct final rule to revise the personal protective equipment (PPE) sections of its general industry, shipyard employment, longshoring, and marine terminals standards, regarding requirements for head protection. OSHA is updating the references in its standards to recognize the 2009 edition of the American National Standards Institute (ANSI) for head protection, and is deleting the 1986 edition of that national consensus standard because it is out of date. OSHA is also including the construction industry in this rulemaking to ensure consistency among the Agency's standards. The direct final rule would become effective September 20, 2012, unless OSHA received significant adverse comment.

(B) Updating OSHA Standards Based On National Consensus Standards; Head Protection; Final rule; confirmation of effective date. Federal OSHA published the direct final rule and confirmation of effective date in the *Federal Register* November 16, 2012. OSHA confirmed the effective date of its direct final rule that revised the head protection standards for general industry, shipyard employment, marine terminals, longshoring, and construction by updating the reference to a standard published by a standards-developing organization, ANSI. No significant adverse comments were received in the original direct final rule and request for comment. Therefore, Federal OSHA subsequently withdrew the companion proposed rule in the June 22, 2012, notice and confirmed the effective date of the direct final rule of September 20, 2012. For the purposes of judicial review, OSHA considers November 16, 2012, as the date of issuance.

By this notice, MNOSHA proposes to adopt the direct final rule and final rule and confirmation of effective date, as published in the *Federal Register* June 22, 2012, and November 16, 2012, respectively.

(C) Minnesota Rules, 5207.0410 Personnel Platforms Suspended from Cranes and Derricks, is being repealed because 29 CFR 1926.1431 completely addresses the requirements of this rule, including design, construction, testing, use and maintenance of personnel platforms, as well as hoisting personnel platforms.

Rules as Proposed (Revisor's Copy)

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE.

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

Subp. 2. **Part 1910.** Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978, and corrected in Volume 43, No. 216 on November 7, 1978, which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes as follows:

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

II. Federal Register, Volume 77:

[For text of subitems (1) and (2), see M.R.]

(3) *Federal Register*, Vol. 77, No. 121, pages 37587-37600, dated June 22, 2012: "Updating OSHA Standards Based on National Consensus Standards; Head Protection; Direct final rule; request for comments."

(4) *Federal Register*, Vol. 77, No. 222, pages 68684-68685, dated November 16, 2012: "Updating OSHA Standards Based on National Consensus Standards; Head Protection; Final rule; confirmation of effective date."

Proposed Rules

Subp. 3. **Part 1915.** Part 1915: Occupational Safety and Health Standards for Shipyard Employment as published in Volume 47, No. 76 of the *Federal Register* on April 20, 1982; all changes made prior to December 31, 1986, which consolidated Part 1915 and Part 1916; technical amendments and redesignations published in Volume 58, No. 125, of the *Federal Register* on July 1, 1993; and additional changes as follows:

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

OO. *Federal Register, Volume 77:*

(1) *Federal Register, Vol. 77, No. 58, pages 17574-17896, dated March 26, 2012: "Hazard Communication: Final Rule," with the exception of 1910.1200 (b)(6)(xi) and (xii).*

(2) *Federal Register, Vol. 77, No. 121, pages 37587-37600, dated June 22, 2012: "Updating OSHA Standards Based on National Consensus Standards; Head Protection; Direct final rule; request for comments."*

(3) *Federal Register, Vol. 77, No. 222, pages 68684-68685, dated November 16, 2012: "Updating OSHA Standards Based on National Consensus Standards; Head Protection; Final rule; confirmation of effective date."*

Subp. 4. **Part 1917.** Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129 of the *Federal Register* on July 5, 1983; and subsequent changes as follows:

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

Q. *Federal Register, Volume 77:*

(1) *Federal Register, Vol. 77, No. 121, pages 37587-37600, dated June 22, 2012: "Updating OSHA Standards Based on National Consensus Standards; Head Protection; Direct final rule; request for comments."*

(2) *Federal Register, Vol. 77, No. 222, pages 68684-68685, dated November 16, 2012: "Updating OSHA Standards Based on National Consensus Standards; Head Protection; Final rule; confirmation of effective date."*

Subp. 5. **Part 1918.** Part 1918: Safety and Health Regulations for Longshoring as published in Part II, Volume 39, No. 119 of the *Federal Register* on June 19, 1974, incorporating changes, additions, deletions and corrections made up to June 3, 1974; and subsequent changes as follows:

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

Q. *Federal Register, Volume 77:*

(1) *Federal Register, Vol. 77, No. 121, pages 37587-37600, dated June 22, 2012: "Updating OSHA Standards Based on National Consensus Standards; Head Protection; Direct final rule; request for comments."*

(2) *Federal Register, Vol. 77, No. 222, pages 68684-68685, dated November 16, 2012: "Updating OSHA Standards Based on National Consensus Standards; Head Protection; Final rule; confirmation of effective date."*

Subp. 6. **Part 1926.** Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979, which incorporates changes, additions, deletions, and corrections made up to October 17, 1978, the incorporation and redesignation of the regulatory text of the General Industry Occupational Safety and Health Standards (29 CFR Part 1910) that have been identified as applicable to construction work as published in the *Federal Register*, Volume 58, No. 124, dated June 30, 1993, and corrected in Volume 58, No. 143, dated July 28, 1993; and additional changes as follows:

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

X. *Federal Register, Volume 77:*

(1) *Federal Register, Vol. 77, No. 58, pages 17574-17896, dated March 26, 2012: "Hazard Communication: Final Rule," with the exception of 1910.1200 (b)(6)(xi) and (xii).*

Proposed Rules

(2) *Federal Register*, Vol. 77, No. 121, pages 37587-37600, dated June 22, 2012: “Updating OSHA Standards Based on National Consensus Standards; Head Protection; Direct final rule; request for comments.”

(3) *Federal Register*, Vol. 77, No. 222, pages 68684-68685, dated November 16, 2012: “Updating OSHA Standards Based on National Consensus Standards; Head Protection; Final rule; confirmation of effective date.”

[For text of subp 7, see M.R.]

REPEALER. *Minnesota Rules*, part 5207.0410, is repealed.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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.

MNSure

Final Rules for Certification Requirements for Consumer Assistance Providers

NOTICE IS HEREBY GIVEN that the Commissioner of Minnesota Management and Budget (MMB) exercising the authorities and responsibilities under *Laws of Minnesota 2013*, Chapter 9, Section 14, is issuing notice of final rules on the policies and procedures whereby entities (including Insurance Producers, Navigators, In-Person Assisters, and Certified Application Counselors) may be certified to deliver consumer assistance services to consumers using the MNSure web tool to enroll in health care insurance per *Minnesota Statutes*, Chapter 62V. These final rules establish the certification requirements for MNSure’s Navigator program; the selection and certification requirements and compensation for MNSure’s In-Person Assister program; the certification requirements for MNSure’s Certified Application Counselor program; the MNSure certification requirements for Insurance Producers enrolling consumers through MNSure. Compensation authorized by these rules takes into account additional compensation received by certified entities for conducting the same or similar services.

Full text of the final rules is available on the MNSure website at:

<http://www.mnsure.org/hix/your-benefits/agentsbrokerspartners.jsp>

MNSure thanks all individuals and entities that responded with public comments to these rules, in their proposed format. MNSure may respond to issues, concerns, or suggestions from public comments not specifically addressed in the final rules in future communications,

Exempt Rules

via the MNsure website and other formal channels.

Pursuant to section 7700.0090 of the final rules, the compensation rates for consumer assistance services will be available on the MNsure website effective April 29, 2013 at:

<http://www.mnsure.org/hix/your-benefits/agentsbrokerspartners.jsp>

Solicitation for entities seeking to provide consumer assistance services on behalf of MNsure is forthcoming. For clarification, entities are permitted by MNsure to serve as both a Navigator and In Person Assister. The following key dates are tentative:

Solicitations Released:	May 2013
Letter(s) of Intent Due:	June 2013
Application and Proposals Due:	June 2013
Awards:	July – August 2013
Training:	August – September 2013
Open Enrollment Begins:	October 2013

Commissioners' Orders

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

Minnesota Department of Natural Resources (DNR)

Commissioner's Order No. INF-13-002: Designation of Infested Waters

EFFECTIVE DATE: Upon publication in the *State Register* on April 29, 2013

Statutory authority: *Minnesota Statutes*, section 84D.03, subdivision 1

Supplements: Commissioner's Order INF-07-001 dated October 4, 2007,
Commissioner's Order INF-08-001 dated April 21, 2008,
Commissioner's Order INF-08-002 dated July 7, 2008,
Commissioner's Order INF-09-001 dated May 7, 2009,
Commissioner's Order INF-09-002 dated July 9, 2009,
Commissioner's Order INF-09-003 dated December 28, 2009,
Commissioner's Order INF-10-001 dated April 27, 2010,
Commissioner's Order INF-10-002 dated June 13, 2010,
Commissioner's Order INF-10-003 dated August 9, 2010,
Commissioner's Order INF-10-004 dated December 15, 2010,
Commissioner's Order INF-11-001 dated April 21, 2011,
Commissioner's Order INF-11-002 dated October 3, 2011,
Commissioner's Order INF-12-001 dated April 24, 2012,
Commissioner's Order INF-12-002 dated July 24, 2012, and
Commissioner's Order INF-13-001 dated February 4, 2013.

Commissioner's Orders

WHEREAS, pursuant to *Minnesota Statutes*, section 84D.03, subdivision 1, the commissioner shall designate a water of the state as an infested water if it is determined that the water contains a population of an aquatic invasive species that could spread to other waters if use of the water and related activities are not regulated to prevent spread, or the water is highly likely to be infested by an aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species.

WHEREAS, pursuant to *Minnesota Statutes*, section 84D.03, subdivision 1, the designation of infested waters by the commissioner shall be by written order published in the State Register.

WHEREAS, the following described waters in the state meet the criteria established in *Minnesota Statutes*, section 84D.03, subdivision 1, for designating infested waters and the following explanations apply to the list:

1. A lake in more than one county is listed under the county corresponding to its public waters inventory number, but the designation applies to the entire lake. Lake Superior and designated portions of rivers that flow through more than one county are listed under the heading Multiple Counties.
2. Ponds and wetlands that are not on the public waters inventory are listed with “none” in the number column.
3. Rivers and streams on the public waters inventory are listed without a number in the number column.
4. Changes to previous designations of infested waters are shown by underlining the new text and strikethrough of deleted text.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 84D.03, subdivision 1, the following waters are designated as infested waters and previous designations of such waters are modified or removed from designation. All currently designated infested waters are listed at the Department of Natural Resources Web site at http://files.dnr.state.mn.us/eco/invasives/infested_waters.pdf.

Waters infested with Eurasian water milfoil.

The following water bodies are infested with Eurasian water milfoil (*Myriophyllum spicatum*) or its hybrids.

NAME

DNR PUBLIC WATERS INVENTORY NUMBER

Pine County

Snake River, between Lake Pokegama and Cross Lake, including 500 feet upstream into its tributaries

Wright County

Clearwater River, downstream of Clearwater, including 500 feet upstream into its tributaries

Waters infested with faucet snail.

The following water bodies are infested with faucet snail (*Bithynia tentaculata*).

NAME

DNR PUBLIC WATERS INVENTORY NUMBER

Multiple Counties

Crow Wing River, from Highway 87 in Hubbard County downstream to the confluence with the Mississippi River, including 500 feet upstream into its tributaries (Cass, Hubbard, Morrison, Todd, and Wadena counties)

Mississippi River, from the Knutson Dam downstream to Lake Winnibigoshish, and between Lake Winnibigoshish and the confluence of the main channel of the Mississippi River and White Oak Lake branch of the Mississippi River in the SE1/4 of the NW1/4 of Section 13, Township 144N, Range 25W, including 500 feet upstream into its tributaries (Beltrami, Cass, Itasca Counties)

Commissioner's Orders

Shell River, from Upper Twin to Crow Wing River, including 500 feet upstream into its tributaries (Hubbard and Wadena counties)

Waters infested with spiny water flea.

The following water bodies are infested with spiny water flea (*Bythotrephes longimanus*).

NAME

DNR PUBLIC WATERS INVENTORY NUMBER

Cook County

Trout Lake

16-0049

Koochiching County

Big Fork River from 500 feet upstream of the public water access on Highway 11 downstream to the Rainy River

Waters infested with zebra mussels.

The following water bodies are infested with zebra mussel (*Dreissena* spp.).

NAME

DNR PUBLIC WATERS INVENTORY NUMBER

Crow Wing County

Pine River, from 500 feet upstream of the mouth of Pelican Brook to the Mississippi River, including 500 feet upstream into its tributaries

Douglas County

Long Prairie River

Multiple Counties

Crow Wing River, from 500 feet upstream downstream of the confluence with the Long Prairie River to the Mississippi River, including 500 feet upstream into its tributaries (Cass and Morrison counties)

Long Prairie River, including 500 feet upstream into its tributaries (Cass, Douglas, and Todd counties)

Mississippi River, from 500 feet upstream of the mouth of the Pine River in Crow Wing County to the Minnesota – Iowa border, including 500 feet upstream into its tributaries (Anoka, Benton, Crow Wing, Dakota, Goodhue, Hennepin, Houston, Morrison, Ramsey, Sherburne, Sterns, Wabasha, Washington, Winona, and Wright)

Otter Tail River from 500 feet upstream of the confluence of the Pelican River downstream to the Bois De Sioux River, including 500 feet upstream into its tributaries (Otter Tail and Wilkin)

Pelican River, from Bucks Mill Drive downstream to the Otter Tail River, including 500 feet upstream into its tributaries (Becker and Otter Tail counties)

Rum River including 500 feet upstream into its tributaries

Zumbro River downstream of Lake Zumbro, including 500 feet upstream into its tributaries.

Commissioner's Orders

This order is effective upon publication in the *State Register*.

Date signed: 4/23/2013

Approved by: Tom Landwehr, Commissioner
Minnesota Department of Natural Resources

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.

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Emergency Medical Services Regulatory Board (EMSRB) Notice of Completed Application in the Matter of the License Application of Allina Health EMS, St. Paul, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from **Allina Health EMS, St. Paul, Minnesota**, for Expansion of Primary Service Area to provide statewide ambulance service under Advanced Life Support (ALS) Specialized license #0220.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* § 144E.11, subdivision 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB **within 30 days or by May 30, 2013, 4:30 p.m.**

Written recommendations or comments opposing the application should be sent to: Pamela Biladeau, Executive Director, EMSRB, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222. If no more than five comments opposing the application

Official Notices

are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* § 144E.11, subdivision 4(a). If more than five comments in opposition to the application are received during the comment period, or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* § 144E.11, subdivision 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing, one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* § 144E.11, subdivision 5(c)-(e).

Dated: 10 April 2013

Pamela Biladeau, Executive Director
Emergency Medical Services Regulatory Board

Minnesota Higher Education Facilities Authority (MHEFA) Notice of Public Hearing on Revenue Obligations on behalf of Gustavus Adolphus College

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of Gustavus Adolphus College (the "College"), as owner and operator of Gustavus Adolphus College, at the Authority's offices at 380 Jackson Street, Suite 450, St. Paul, Minnesota, on Wednesday, May 15, 2013 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in the approximate maximum principal amount of \$14,000,000 to finance a project (the "Project") consisting of the refunding of the Authority's outstanding Variable Rate Demand Revenue Bonds, Series Five-X (Gustavus Adolphus College), dated October 7, 2004, which were issued in the original principal amount of \$16,550,000 (the "Series Five-X Bonds").

The Series Five-X Bonds were issued to provide funds to finance (a) the acquisition, construction, furnishing and equipping of an approximately 75,000 square foot 200-bed apartment-style student housing facility; (b) the installation of fire sprinkling systems in all of the College's residential halls, aggregating approximately 397,000 square feet; and (c) the renovation and equipping of the approximately 22,000 square foot Old Main building; all owned and operated by the College and located on the College's campus the principal street address of which is 800 West College Avenue, St. Peter, Minnesota 56082.

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

Dated: 29 April 2013

By Order of the Minnesota Higher Education Facilities Authority
Marianne Remedios, Executive Director

State Board of Investment Notice of Meeting of the Administrative Committee May 6, 2013

The State Board of Investment Administrative Committee will meet on Monday, May 6, 2013 at 9:00 A.M. at the State Board of Investment, Suite 355, 60 Empire Drive, St. Paul, MN.

Minnesota Department of Labor and Industry (DLI)**Division of Occupational Safety and Health****REQUEST FOR COMMENTS on Possible Amendment to Rules Relating to Filing and Service of Various Notices and Documents, *Minnesota Rules*, parts 5210.0007, 5210.0536, and 5210.0554; Revisor's ID Number TBD**

Subject of Rules. The Minnesota Department of Labor and Industry requests comments on its possible amendment to rules governing the filing and service of Notices of Contest, and letter of contest under rule parts 5210.0536 and 5210.00539, progress reports, and other abatement documentation. The Department intends to amend the rules to permit employers and other persons to file by email or other reliable means of electronic transmission.

Persons Affected. The amendment to the rules would likely affect any person responsible for filing Notices of Contest, letters of contest, progress reports, and other abatement documentation.

Statutory Authority. *Minnesota Statutes* § 182.657 authorizes the Commissioner of Labor and Industry to “promulgate rules as may be deemed necessary to carry out the responsibilities” of chapter 182.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on Thursday, July 5, 2013. The Department does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts. The Department has placed a draft of the possible rules in its rulemaking docket, which can be located from:

<http://www.dli.mn.gov/Rulemaking.asp>

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Kelli Peters at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN, 55155, (651) 284-5006, or *dli.rules@state.mn.us*. TTY users may call the Department at (651) 297-4198.

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

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

Dated: April 25, 2013

Ken B. Peterson, Commissioner
Department of Labor and Industry

Minnesota Department of Natural Resources (DNR)**Notice of Waters Identified and Designated as Infested Waters**

NOTICE IS HEREBY GIVEN by the Minnesota Department of Natural Resources that until further notice, the following waters in the state have been identified and designated as infested waters pursuant to the provisions of *Minnesota Statutes*, including but not limited to section 84D.03, subdivision 1.

A lake in more than one county is listed under the county corresponding to its public waters inventory number, but the designation applies to the entire lake. Lake Superior and designated portions of rivers that flow through more than one county are listed under the heading Multiple Counties. Ponds and wetlands that are not on the public waters inventory are listed with “none” in the number column. Rivers and streams on the public waters inventory are listed without a number in the number column.

Official Notices

Waters infested with bighead and silver carp.

The following water bodies are infested with bighead carp (*Hypophthalmichthys nobilis*) and silver carp (*Hypophthalmichthys molitrix*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
<i>Goodhue County</i>	
Pepin	25-0001
<i>Jackson County</i>	
Anderson's Marsh	32-0032
Clear	32-0022
County ditches connected to designated infested waters in Jackson County	
Grovers	32-0025
Illinois	32-0072
Judicial Ditch No. 8, between Clear Lake and Loon Lake	
Judicial Ditch No. 35 from Sec. 14, T 102, R 36 to Rush Lake	
Judicial ditches connected to other designated infested waters in Jackson County	
Little Sioux River and its tributaries	
Little Spirit	32-0024
Loon	32-0020
Loon Creek between Loon Lake and Spirit Lake	
Pearl	32-0033
Plum	32-0071
Round	32-0069
Rush	32-0031
Rush	32-0063
Skunk	32-0059
Spirit	32-0023
Unnamed creek between Pearl Lake and Loon Lake	
Unnamed creek between Anderson's Marsh and Pearl Lake	
Unnamed creek between Rush Lake and Anderson's Marsh	
Unnamed lake	32-0027
Unnamed lake	32-0042
Unnamed lake	32-0055
Unnamed lake	32-0061
Unnamed lake	32-0062
Unnamed lake	32-0093
Unnamed lake	32-0096
West Fork Little Sioux River and its tributaries	
<i>Nobles County</i>	
Indian	53-0007
<i>Multiple Counties</i>	
Mississippi River downstream of Lock and Dam 2 (Dakota, Goodhue, Hennepin, Houston, Wabasha, Washington, and Winona counties)	
St. Croix River downstream of the dam at Taylors Falls (Chisago and Washington counties)	

Waters infested with Brazilian elodea.

The following water bodies are infested with Brazilian elodea (*Egeria densa*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
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Hennepin County
Powderhorn

27-0014

Waters infested with brittle naiad.

The following water bodies are infested with brittle naiad (*Najas minor*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
<i>Dakota County</i> Lac Lavon	19-0446
<i>Hennepin County</i> Round	27-0071

Waters infested with Eurasian water milfoil.

The following water bodies are infested with Eurasian water milfoil (*Myriophyllum spicatum*) or its hybrids.

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
<i>Anoka County</i> Cenaiko	02-0654
Centerville	02-0006
Coon	02-0042
Crooked	02-0084
George	02-0091
Otter	02-0003
Peltier	02-0004
Marshan	02-0007
South Coon	02-0048
Unnamed lake (in Springbrook Nature Center)	02-0688
<i>Blue Earth County</i> Ballantyne	07-0054
Lura	07-0079
Madison	07-0044
<i>Carlton County</i> Chub	09-0008
<i>Carver County</i> Lake Ann	10-0012
Auburn	10-0044
Bavaria	10-0019
Burandt	10-0084
Eagle	10-0121
Firemen's	10-0226
Lotus	10-0006
Lucy	10-0007
Kelzer's Pond	10-0047
Minnewashta	10-0009
Parley	10-0042
Pierson	10-0053
Reitz	10-0361
Riley	10-0002

Official Notices

Schutz	10-0018
Steiger	10-0045
Stone	10-0056
Susan	10-0013
Swede	10-0095
Virginia	10-0015
Waconia	10-0059
Wasserman	10-0048
Zumbra	10-0041
<i>Cass County</i>	
Leech	11-0203
Town Line	11-0190
Washburn	11-0059
<i>Chisago County</i>	
Chisago	13-0012
Ellen	13-0047
Fish	13-0068
Green	13-0041
North Center	13-0032
North Lindstrom	13-0035
South Lindstrom	13-0028
Rush	13-0069
South Center	13-0027
<i>Crow Wing County</i>	
Bay	18-0034
Clearwater	18-0038
Kimball	18-0361
Long (Tame Fish)	18-0002
Louise Mine Pit	18-0746
Lower Mission	18-0243
Ossawinnamakee	18-0352
Ripple River between Bay Lake and Tame Fish Lake	
Ruth	18-0212
Upper Mission	18-0242
<i>Dakota County</i>	
Cobblestone	none
Crystal	19-0027
Earley	19-0033
Fish	19-0057
Unnamed wetland (Heine Pond)	19-0153
Holland	19-0065
Keller	19-0025
Lac Lavon	19-0446
Marion	19-0026
Quarry	19-0128
Schultz	19-0075
Sunset Pond	19-0451
Thomas	19-0076
Twin Lakes	19-0028
Unnamed pond in Valley Park	19-0348

<i>Douglas County</i>	
Carlos	21-0057
Le Homme Dieu	21-0056
Oscar	21-0257
<i>Goodhue County</i>	
Pepin	25-0001
<i>Hennepin County</i>	
Arbor (located in the south 1/2 of the SW 1/4 of Section 23, Township 119N Range 22W)	none
Arbor – North (located in the NW 1/4 of the SW 1/4 of Section 23, Township 119N, Range 22W)	none
Arbor – West (located in the SW 1/4 of Section 23, Township 119N, Range 22W; DOW # 27-1130)	none
Arrowhead	27-0045
Bass	27-0098
Brownie	27-0038
Bryant	27-0067
Bush	27-0047
Calhoun	27-0031
Cedar	27-0039
Christmas	27-0137
Dutch	27-0181
Eagle	27-0111
Fish	27-0118
Forest	27-0139
Galpin	27-0144
Gleason	27-0095
Harriet	27-0016
Hiawatha	27-0018
Independence	27-0176
Lake of the Isles	27-0040
Lakewood Cemetery	27-0017
Libbs	27-0085
Little Long	27-0179
Long	27-0160
Medicine	27-0104
Minnehaha Creek	
Minnetonka	27-0133
Mitchell	27-0070
Niccum’s Pond (located in the NW 1/4 of the SW 1/4 of Section 10, Township 117N, Range 24W)	none
Nokomis	27-0019
Parker’s	27-0107
Peavy	27-0138
Powderhorn	27-0014
Rebecca	27-0192
Rice	27-0116
Round	27-0071
Sarah	27-0191
Schmidt	27-0102
Snelling	27-0001

Official Notices

Swan (located in the NW 1/4 of the NW 1/4 of Section 4, Township 117N, Range 23W)	none
Tanager	27-0141
Twin	27-0042
Unnamed wetland	27-0900
Weaver	27-0117
Whaletail	27-0184
Wirth	27-0037
Wolfe	27-0664
<i>Isanti County</i>	
Green	30-0136
Long	30-0072
Spectacle	30-0135
<i>Itasca County</i>	
Ice	31-0372
McKinney	31-0370
North Twin	31-0190
<i>Kanabec County</i>	
Knife	33-0028
<i>Kandiyohi County</i>	
Calhoun	34-0062
Florida	34-0217
Green	34-0079
Norway	34-0251
<i>Le Sueur County</i>	
East Jefferson	40-0092
German	40-0063
Middle Jefferson	40-0092
Ray's	40-0056
<i>McLeod County</i>	
Cedar	43-0115
<i>Meeker County</i>	
Manuella	47-0050
Minnie-Belle	47-0119
Little Mud	47-0096
Ripley	47-0134
Stella	47-0068
Washington	47-0046
Wolf	47-0016
<i>Mille Lacs County</i>	
Mille Lacs	48-0002
<i>Morrison County</i>	
Alexander	49-0079
Shamineau	49-0127

<i>Olmsted County</i>	
George	55-0008
<i>Pine County</i>	
Cross	58-0119
Pokegama	58-0142
Sand	58-0081
Snake River between Lake Pokegama and Cross Lake, including 500 feet upstream into its tributaries	
Sturgeon	58-0067
Unnamed gravel pit, (located in Section 16, Township 108, Range 20W)	none
<i>Polk County</i>	
Union	60-0217
<i>Pope County</i>	
Gilchrist	61-0072
Minnewaska	61-0130
<i>Ramsey County</i>	
Bald Eagle	62-0002
Beaver	62-0016
Birch	62-0024
Gervais	62-0007
Island	62-0075
Josephine	62-0057
Keller	62-0010
Kohlmans	62-0006
Langton	62-0049
Loeb	62-0231
McCarron	62-0054
Owasso	62-0056
Phalen	62-0013
Pleasant	62-0046
Pond Six	62-0271
Pond Three (located in the SE 1/4 of the NE 1/4 of Section 4, Township 28N, Range 22W)	none
Round	62-0012
Silver	62-0001
Snail	62-0073
Spoon Creek between Keller and Phalen lakes	
Sucker	62-0028
Turtle	62-0061
Vadnais	62-0038
Wabasso	62-0082
<i>Rice County</i>	
Cedar	66-0052
Circle	66-0027
Fox	66-0029
French	66-0038
Mazaska	66-0039

Official Notices

St. Louis County

Gilbert Pit	69-1306
Horseshoe	69-0503
McCormack	69-0914

Scott County

Cate's	70-0018
Lower Prior	70-0026
McColl	70-0017
McMahon	70-0050
O'Dowd	70-0095
Thole	70-0120
Unnamed wetland	70-0153
Upper Prior	70-0072

Sherburne County

Big	71-0082
Eagle	71-0067
Little Elk	71-0055
Mitchell	71-0081

Steele County

Unnamed gravel pit (located in located in Section 16, Township 108, Range 20W)

Stearns County

Otter	73-0015
Sylvia	73-0249
Unnamed wetland along the Clearwater River	73-0312

Todd County

Little Birch	77-0089
Sauk	77-0150

Waseca County

Clear	81-0014
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Washington County

Alice	82-0287
Big Marine	82-0052
Bone	82-0054
Camp Galilee	82-0502
Clear	82-0163
Colby	82-0094
DeMontreville	82-0101
Elmo	82-0106
Horseshoe	82-0074
Jane	82-0104
Long	82-0021
Long	82-0118
Long	82-0130
Mud	82-0168
Olson	82-0103
Powers	82-0092
St. Croix River	

Official Notices

Sunset	82-0153
White Bear	82-0167
Wilmes	82-0090
<i>Winona County</i>	
Goodview Gravel Pit	none
Winona	85-0011
<i>Wright County</i>	
Augusta	86-0284
Beebe	86-0023
Buffalo	86-0090
Camp	86-0221
Caroline	86-0281
Cedar	86-0227
Clearwater	86-0252
Clearwater River, downstream of Clearwater, including 500 feet upstream into its tributaries	
Deer	86-0107
East Sylvania	86-0289
Emma	86-0188
Fish	86-0183
French	86-0273
Goose	86-0108
Granite	86-0217
Howard	86-0199
Indian	86-0223
John	86-0288
Little Mary	86-0139
Locke	86-0168
Maple	86-0134
Mary	86-0156
Mink	86-0088
North Twin	86-0123
Little Waverly	86-0106
Pulaski	86-0053
Pelican	86-0031
Ramsey	86-0120
Rock	86-0182
Round	86-0192
Silver	86-0140
Sugar	86-0233
Waverly	86-0114
Weigand	86-0242
West Sylvania	86-0279
<i>Multiple Counties</i>	
Mille Lacs tributaries from their mouth upstream to the posted boundary (Aitkin, Crow Wing, and Mille Lacs)	
Mississippi River downstream of St. Anthony Falls	
Superior	16-0001

Official Notices

Waters infested with faucet snail.

The following water bodies are infested with faucet snail (*Bithynia tentaculata*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
<i>Becker County</i>	
Unnamed pond located in the Southeast ¼ of the Southwest ¼ of Section 14, Township 142N, Range 39W	
Unnamed pond located in the SW ¼ of SW ¼ of Section 14, Township 142N, Range 39W	none
Unnamed pond located in Sections 14 and 15, Township 142, Range 39W	03-0230
Unnamed pond located in the SE ¼ of the SW ¼ of Section 15, Township 142N, Range 39W	none
Unnamed pond located in Section 15 Township 142, Range 39W	03-0231
Unnamed pond located in the NE ¼ of SE¼ of Section 15, Township 142N, Range 39W	none
Unnamed pond located in the Southwest ¼ of the Southeast ¼ of Section 15, Township 142N, Range 39W	
Unnamed pond located in the NW ¼ of NE ¼ of Section 22, Township 142N, Range 39W	none
Unnamed pond located in the NE ¼ of NW ¼ of section 22, Township 142N, Range 39W	none
<i>Cass County</i>	
Winnibigoshish	11-0147
Leech Lake River, downstream of Mud Lake	(11-0100)
<i>Hubbard County</i>	
First Crow Wing	29-0086
Second Crow Wing	29-0085
Upper Twin	29-0157
<i>Itasca County</i>	
Cut Foot Sioux	31-0857
Egg	31-0817
First River	31-0818
Little Cut Foot	31-0852
Little Winnibigoshish	31-0850
Pigeon River (from the Pigeon Dam Lake's dam to Lake Winnibigoshish)	
Rabbits	31-0923
Ravens Flowage (includes unnamed creek from Township 146, Range 29, Section 3 to Township 146, Range 29, Section 11 and Raven Creek downstream of Raven and Rabbit lakes to Lake Winnibigoshish)	
Raven	31-0925
Sugar	31-0926
Third River (downstream of Highway 33)	
Third River Flowage (part of Lake Winnibigoshish)	
<i>Norman County</i>	
Unnamed wetland located in Section 2, Township 143, Range 43W	54-0001
<i>Wadena County</i>	
Lower Twin	80-0030

Multiple Counties

Crow Wing River, from Highway 87 in Hubbard County downstream to the confluence with the Mississippi River, including 500 feet upstream into its tributaries (Cass, Hubbard, Morrison, Todd, and Wadena counties)
 Mississippi River, from the Knutson Dam downstream to Lake Winnibigoshish, and between Lake Winnibigoshish and the confluence of the main channel of the Mississippi River and White Oak Lake branch of the Mississippi River in the SE1/4 of the NW1/4 of Section 13, Township 144N, Range 25W, including 500 feet upstream into its tributaries (Beltrami, Cass, Itasca Counties)

Mississippi River, from Lock and Dam 6 to the Iowa border (Houston and Winona)

Shell River from Upper Twin to Crow Wing River, including 500 feet upstream into its tributaries (Hubbard and Wadena counties)

Waters infested with flowering rush.

The following water bodies are infested with flowering rush (*Butomus umbellatus*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
<i>Aitkin County</i>	
Big Sandy	1-0062
<i>Anoka County</i>	
Unnamed wetland in the NE 1/4 of the NE 1/4 of Section 33, Township 31N, Range 22W	none
<i>Becker County</i>	
Buck	3-0473
Detroit	3-0381
Curfman (Deadshot Bay)	3-0363
Melissa	3-0475
Mill	3-0377
Muskrat	3-0360
Pelican River from Detroit Lake to Muskrat Lake	
Sallie	3-0359
<i>Dakota County</i>	
Unnamed lake	19-0064
<i>Hennepin County</i>	
Minnehaha Creek	
Minnetonka	27-0133
<i>Itasca County</i>	
Hart	31-0020
Holman	31-0227
North Twin	31-0190
South Twin	31-0191
<i>LeSuer County</i>	
Tetonka	40-0031
Upper Sakatah	40-0002

Official Notices

Rice County

Cannon	66-0008
Wells	66-0010

Todd County

Sauk	77-0150
Sauk River from Juergens Lake to Sauk Lake	

Washington County

Forest	82-0159
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Multiple Counties

Cannon River downstream of Lower Sakatah Lake to the confluence with the Straight River

Waters infested with New Zealand mudsnail.

The following water bodies are infested with New Zealand mudsnail (*Potamopyrgus antipodarum*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
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Multiple Counties

St. Louis River downstream of the Fond du Lac dam	
Superior	16-0001

Waters infested with round goby.

The following water bodies are infested with round goby (*Neogobius melanostomus*).

NAAME	DNR PUBLIC WATERS INEVENTORY NUMBER
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Multiple Counties

St. Louis River downstream of the Fond du Lac dam	
Superior	16-0001
Lake Superior tributaries either the entire length of the tributary or on tributaries that have been posted upstream to the posted boundaries.	

Waters infested with ruffe.

The following water bodies are infested with ruffe (*Gymnocephalus cernuus*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
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Multiple Counties

St. Louis River downstream of the Fond du Lac dam	
Superior 16-0001	
Lake Superior tributaries either the entire length of the tributary or on tributaries that have been posted upstream to the posted boundaries.	

Waters infested with spiny water flea.

The following water bodies are infested with spiny water flea (*Bythotrephes longimanus*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
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Cook County

Caribou (in the Boundary Waters Canoe Area, just west of Pine Lake)	16-0141
Devil Track	16-0143

Flour	16-0147
Greenwood	16-0077
Gunflint	16-0356
Little John	16-0026
McFarland	16-0027
North Fowl	16-0036
Pine	16-0041
Pigeon River downstream of South Fowl	
Royal (on the Royal River)	16-0025
Royal River between Little John and North Fowl Lakes	
Lake Saganaga	16-0633
South Fowl	16-0034
Trout	16-0049

Lake of the Woods County

Baudette River from Highway 11 downstream to the Rainy River	
Hooper Creek downstream of State Highway 172	
Johnson Creek from the Rainy River upstream to the first road crossing	
Lake of the Woods, including the portions of Zipple Bay to Zipple Creek in Sections 9 and 10, Township 162 North, Range 33 West, and to Bostic Creek at County Highway 8	39-0002
Miller Creek downstream of State Highway 172	
Rapid River downstream of Highway 11 to Clementson Bay of the Rainy River	
Sensky Creek downstream of State Highway 172	
Silver Creek downstream of Highway 11	
Wabonica Creek downstream of State Highway 172	
Winter Road River downstream of State Highway 172	

Koochiching County

Big Fork River, from 500 feet upstream of the public water access on Highway 11 downstream to the Rainy River	
Black River the south branch downstream of Highway 11 and the west branch downstream of Highway 147	
Little Fork River from 100 feet upstream of Highway 11 downstream to the Rainy River	

Mille Lacs County

Mille Lacs	48-0002
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Roseau County

Warroad River downstream of Highway 11	
Swift Ditch downstream of Highway 12	

St. Louis County

Ash River downstream of the northern section line of Section 8, Township 68 North, Range 19 West	
Burntside	69-0118
Burntside River between Burntside Lake and Shagawa Lake	
Crane	69-0616
Dead River	
East Twin	69-0174
Fish	69-0491
Island	69-0372
Kabetogama	69-0845

Official Notices

Lac La Croix	69-0224
Little Vermilion	69-0608
Loon	69-0470
Namakan	69-0693
Rainy	69-0694
Sand Point	69-0617
West Twin	69-0167

Multiple Counties

Lake Superior	16-0001
Cloquet River from Island Lake to the St. Louis River	
Mille Lacs tributaries from their mouth upstream to the posted boundary (Aitkin, Crow Wing, and Mille Lacs)	
Rainy River from Rainy Lake to Lake of the Woods, including Baudette Bay/River up to County Highway 35 and Clementson Bay up to the rapids	
St. Louis River downstream of the Cloquet River	

Waters infested with viral hemorrhagic septicemia.

The following water bodies are infested with viral hemorrhagic septicemia.

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
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Multiple Counties

Lake Superior	16-0001
St. Louis River downstream of the Fond du Lac dam	
Lake Superior tributaries either the entire length of the tributary or on tributaries that have been posted upstream to the posted boundaries.	

Waters infested with white perch.

The following water bodies are infested with white perch (*Morone americana*).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
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Multiple Counties

St. Louis River downstream of the Fond du Lac dam	
Lake Superior	16-0001
Lake Superior tributaries either the entire length of the tributary or on tributaries that have been posted upstream to the posted boundaries.	

Waters infested with zebra mussels.

The following water bodies are infested with zebra mussel (*Dreissena* spp.).

NAME	DNR PUBLIC WATERS INVENTORY NUMBER
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Becker County

Buck	03-0473
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Benton County

Little Rock Channel	05-0012
Little Rock	05-0013

Cass County

Bass	11-0220
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Official Notices

Green's	11-0786
Gull	11-0305
Gull River	
Margaret	11-0222
Spider	11-0221
Upper Gull	11-0218
Winnibigoshish	11-0147
<i>Crow Wing County</i>	
Black Bear	18-0140
Boom	18-0529
Half-Moon	18-0238
Little Rabbit	18-0139
Love	18-0388
Miller	18-0133
Nisswa	18-0399
Ossawinnamakee	18-0352
Pelican Brook from the source at Ossawinnamakee Lake to the Pine River	
Pelican	18-0308
Pickereel	18-0232
Pine River, from 500 feet upstream of the mouth of Pelican Brook to the Mississippi River, including 500 feet upstream into its tributaries	
Rice	18-0145
Round	18-0373
Roy	18-0398
Bishop Creek between Round and Gull lakes (located in Section 35, Township 135N, Range 29W)	
Unnamed wetland	18-0235
Unnamed wetland (located in the NE 1/4 of the SW 1/4 of Section 3, Township 135N, Range 27W)	none
Unnamed wetland (located in the NE 1/4 of the SE 1/4 of Section 2, Township 46N, Range 30W)	none
Unnamed wetland (located in the NE 1/4 of the SW 1/4 of Section 2, Township 46N, Range 30W)	none
Unnamed wetland (located in the NE 1/4 of the NE 1/4 of Section 33, Township 135N, Range 27W)	none
Unnamed wetland (located in the NW 1/4 of the NE 1/4 of Section 33 of Township 46N, Range 30W)	none
<i>Dakota County</i>	
Lake Rebecca	19-0300
<i>Douglas County</i>	
Alvin	21-0093
Brophy	21-0102
Carlos	21-0057
Cowdry (Cowdrey)	21-0103
Darling	21-0080
Geneva	21-0052
Ida	21-0123

Official Notices

Irene	21-0076
Jessie	21-0055
Le Homme Dieu	21-0056
Lottie (Taylor)	21-0105
Miltona	21-0083
North Union (Union)	21-0095
Stoney (Stony)	21-0101
Unnamed river from the outlet of Irene (21-0076) to Miltona (21-0083)	
Unnamed river from the outlet of Lake Miltona (21-0083 to Ida (21-0123)	
Victoria	21-0054
<i>Goodhue County</i>	
Pepin	25-0001
<i>Hennepin County</i>	
Edina Mill Pond	27-0041
Forest	27-0139
Gray's Bay Outlet (wetland)	27-0761
Lake Hiawatha	27-0018
Libbs	27-0085
Meadowbrook	27-0054
Minnehaha Creek	
Minnetonka	27-0133
Minnehaha Marsh	27-0084
Nokomis	27-0019
Peavey	27-0138
Tanager	27-0141
Unnamed wetland in the NE 1/4 of Section 20, Township 117N, Range 21W	27-0662
Unnamed wetland in the SW 1/4 of Section 20, Township 117N, Range 21W	27-0663
Unnamed pond in the NW 1/4 of Section 14, Township 117, Range 22	27-0721
Unnamed wetland NW 1/4 of Section 18, Township 117N, Range 21W	27-0715
Unnamed wetland in the E 1/2 of Section 13, Township 117N, Range 22W	27-0716
Unnamed wetland in the SE 1/4 of Section 11 and NE 1/4 of Section 14, Township 117N, Range 22W	27-0720
Unnamed wetland in the NW 1/4 of Section 19, Township 117N, Range 21W	27-0779
<i>Itasca County</i>	
Cut Foot Sioux	31-0857
Egg	31-0817
First River Lake	31-0818
Little Cut Foot	31-0852
Little Winnibigoshish	31-0850
Pigeon River (from the Pigeon Dam Lake's dam to Lake Winnibigoshish)	
Rabbits	31-0923
Ravens Flowage (includes unnamed creek from Township 146, Range 29, Section 3 to Township 146, Range 29, Section 11 and Raven Creek downstream of Raven and Rabbit lakes to Lake Winnibigoshish)	
Raven	31-0925
Sugar	31-0926
Third River (downstream of Highway 33)	
Third River Flowage (part of Lake Winnibigoshish)	

Mille Lacs County

Lake Mille Lacs	48-0002
Ogechie	48-0014
Onamia	48-0009
Shakopee	48-0012

Olmsted County

Lake Zumbro	550004
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Otter Tail County

Bass	56-0770
Crystal	56-0749
Dayton Hollow Reservoir	56-0824
Fish	56-0768
Kerbs	56-1636
Little McDonald	56-0328
Little Pelican	56-0761
Lizzie	56-0760
Mill Pond	56-0920
Orwell Reservoir	56-0945
Paul	56-0335
Pelican	56-0786
Prairie	56-0915
Rose	56-0360
Rusch	56-1641
Unnamed wetland connected to Paul Lake (56-0335)	56-1640

Ramsey County

Charley	62-0062
Pleasant	62-0046
Sucker	62-0028
Vadnais	62-0038

Pope County

Emily	61-0180
Minnewaska	61-0130
Outlet Creek from Minnewaska Lake to Emily Lake	
Shallow Pond	61-0112
unnamed pond	61-0511
unnamed wetland located in Section 9 and 16, Township 124N, Range 39W	61-0231
unnamed wetland located in Section 20 and 21, Township 124N, Range 39W	61-0420
unnamed wetland located in Section 16, Township 124N, Range 39W	61-0422
unnamed wetland located in Section 20, Township 124N, Range 39W	61-0505

St. Louis County

Gilbert Pit (Ore-be-gone)	69-1306
Pike	69-0490
Mud	69-0512
White Pine River	

Scott County

Lower Prior	70-0026
Upper Prior	70-0072

Official Notices

Washington County

St. Croix River downstream of the St. Croix Boomsite Recreation Area,
at river mile 25.4

Wilkin County

Breckenridge

84-0023

Wright County

Fish

86-0183

Multiple Counties

Crow Wing River, from 500 feet upstream of the confluence with the

Long Prairie River to the Mississippi River, including 500 feet
upstream into its tributaries (Cass and Morrison counties)

Long Prairie River, including 500 feet upstream into its tributaries
(Cass, Douglas, and Todd counties)

Mille Lacs tributaries from their mouth upstream to the posted boundary
(Aitkin, Crow Wing, and Mille Lacs)

Mississippi River from the Knutson Dam downstream to Little Winnibigoshish
Lake (31-0850) (Beltrami, Cass, and Itasca)

Mississippi River, from 500 feet upstream of the mouth of the Pine River in Crow Wing
County to the Minnesota – Iowa border, including 500 feet upstream into its tributaries
(Anoka, Benton, Crow Wing, Dakota, Goodhue, Hennepin, Houston, Morrison,
Ramsey, Sherburne, Sterns, Wabasha, Washington, Winona, and Wright)

Otter Tail River from 500 feet upstream of the confluence of the Pelican River
downstream to the Bois De Sioux River, including 500 feet upstream into its
tributaries (Otter Tail and Wilkin counties)

Pelican River from Bucks Mill Drive downstream to the Otter Tail River, including
500 feet upstream into its tributaries (Becker and Otter Tail counties)

Rum River including 500 feet upstream into its tributaries

St. Louis River downstream of the mouth of the White Pine River

Superior 160001

Zumbro River downstream of Lake Zumbro, including 500 feet upstream into its
tributaries.

Minnesota Pollution Control Agency (MPCA) Resource Management and Assistance Division Request for Comments on Planned Amendments to Rules in *Minnesota Rules* Chapters 7041, 7053, 7076, 7080, 7081, 7082 and 7083

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on its plans to amend *Minnesota Rules* chapters 7041, 7053, 7076, 7080, 7081, 7082 and 7083 only to the extent necessary to repeal obsolete requirements, correct existing errors and clarify inconsistencies. The amendments being considered will make a number of minor, unrelated changes to rules governing the MPCA's sewage sludge management program, the administration of variances for aquaculture facilities, the notification process for Clean Water Partnership grants and various minor elements of the subsurface sewage treatment system program. In this Request for Comments (Request) the MPCA is providing notice of its intent to clarify and correct the rules it is charged with implementing and is seeking input from the public regarding these changes and the identification of additional changes that will correct or clarify existing rules. If rules in additional chapters relating to other MPCA programs are identified as being obsolete or requiring minor correction or clarification, those amendments may also be conducted in this rulemaking.

should be repealed. In addition to those identified obsolete rules, the MPCA has identified a number of additional errors and inconsistencies that must be corrected through rulemaking. The MPCA believes that it is appropriate to conduct a “housekeeping” rulemaking to make the necessary corrections, but does not intend to make any substantive changes through this rulemaking. For purposes of project management and to facilitate review and participation by the potentially affected regulated community, the MPCA will be proposing the necessary changes through two separate rule proposals dealing with two different areas (water programs and land programs) of the MPCA’s programs. In this Request the MPCA is seeking comments on housekeeping amendments to rules that generally relate to the MPCA’s water programs. (A similar Request for Comments will be published in the future for a rulemaking which will consider changes and corrections to rules related to the MPCA’s land programs.) Although this Request specifically identifies the following water-related amendments being considered at this time, the MPCA will consider comments and suggestions for additional changes and corrections for any of the rules administered by the MPCA relating to water programs.

Areas of proposed amendment:

- **MPCA Sewage Sludge Management** in *Minnesota Rule* chapter 7041. (considering changes to correct errors, clarify existing requirements and update reference materials.)
- **Aquaculture Variances** in *Minnesota Rule* chapter 7053 (considering changes to repeal all of the obsolete requirements relating to the process for obtaining a variance for aquaculture facilities.)
- **Clean Water Partnership Grants** in *Minnesota Rule* chapter 7076 (considering changes to the process for providing notification of grant availability to allow for the use of alternatives to publication in the *State Register*.)
- **Subsurface Sewage Treatment System Requirements** in *Minnesota Rule* chapters 7080, 7081, 7082 and 7083 (considering changes to correct errors and clarify existing requirements.)

The state rulemaking process requires agencies to consider the economic effect and also the cumulative impact of proposed amendments. The MPCA does not expect that any of the minor rule changes that will be proposed will result in any economic effect. However, with this Request the MPCA is also providing notice that it will be addressing economic and cumulative impact as part of this rulemaking and encouraging parties who may be interested or have information pertaining to the expected economic effect and the cumulative impact of this rule to provide that information to the MPCA and to register with the MPCA to receive notice when rules are proposed. (Cumulative impact means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.)

Persons Affected Persons who may potentially be affected by the housekeeping changes include persons who are interested in receiving notice of Clean Water Partnership grants and who would have an objection to being provided notice by a means other than publication in the *State Register*. Housekeeping changes to the aquaculture variance requirements are not expected to have any effect on any persons because those aquaculture variance procedures are obsolete. Other changes being considered are unlikely to have any effect on any persons other than to clarify requirements and improve understanding of the rules.

Statutory Authority *Minnesota Statute* §115.03, subd. 1, grants the MPCA general authority to promulgate and/or revise the rules within the scope of its powers. Specific authorities for the rule amendments being considered are found in:

Sewage Sludge Management- *Minnesota Statute* §116.07, subd. 2

Aquaculture facilities- *Minnesota Statute* § 115.44, subd. 4

Clean Water Partnership- *Minnesota Statute* § 103F.745

Subsurface Sewage Treatment Systems— *Minnesota Statute* § 115.55, subd. 3

Public Comment The MPCA is interested in hearing comments from any interested or potentially affected persons or groups. Written comments or information may be submitted to the contact person identified below until 4:00 p.m. on Friday, June 14, 2013. The MPCA will consider all comments in the development of the rule amendments.

Rule Drafts No draft of the rule is available at this time. Persons interested in being notified when a draft is available and other activities relating to this (or other MPCA rulemakings) are encouraged to register at:

Official Notices

<https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

MPCA Contact Comments, information, and requests for more information on these planned rule amendments should be directed to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul, MN 55155-4194
Telephone: (651) 757-2597 or
TTY: (651) 282-5332
Toll-free: 1-800-657-3864
E-mail: carol.nankivel@state.mn.us

Alternative Format Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the MPCA contact person at the number or address above.

Dated: 29 April 2013

John Stine, Commissioner
Minnesota Pollution Control Agency

Teachers Retirement Association (TRA) Notice of Meeting of the Board of Trustees May 15, 2013

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, May 15, 2013 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation ("MnDOT") has ordered that the following vendors be suspended for a period of sixty (60) days, effective April 1, 2013 until May 31, 2013:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

NOTICE IS HEREBY GIVEN that the Department of Transportation ("MnDOT") has ordered that the following vendors be suspended for a period of sixty (60) days, effective March 13, 2013 until May 12, 2013:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller’s or transfer’s debarment.

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.

Readers are also advised to check the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html>

Additional Funding Sources

Check up on all the “active” state grants in the “Contracts & Grants” section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of all the current rules, a growing index, and previous years’ indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here’s what you receive via e-mail:

- **Word Search Capability**
- **Indices from Vol. 27 to most current issue**
- **E-mailed to you on Friday**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **“Contracts & Grants” Open for Bid**

It’s all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber’s issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us

The *State Register* is one of the best ways to advertise your grants - it’s a required read for public works projects. And it’s cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 per 1/10 of a page you cannot go wrong.

State Grants & Loans

Minnesota Department of Agriculture (MDA)

Pesticide and Fertilizer Management Division

Notice of Availability of Request for Proposals for Agricultural Fertilizer Research and Education Project Grants

The Minnesota Legislature established the *Minnesota Agricultural Fertilizer Research and Education Program* for the purpose of directing fertilizer research and outreach programs. The enabling legislation establishing the governing Agricultural Fertilizer Research and Education Council (AFREC) is *Minnesota Statute* 18C.70 and 18C.71. The Minnesota Legislature also established the funding mechanism for the program.

Request for Proposals (RFP):

This Request for Proposals (RFP) is for the remaining balance (\$80,784) of the original \$800,000 (the upper annual limit set by the legislature) issued from the RFP which closed on December 7, 2012. These funds were generated by fertilizer sales from July 1, 2010 to June 30, 2011. All associated contracts must be executed by June 30, 2013.

Project Priorities:

- Comprehensive Statewide Approach for Addressing Site Specific Fertilizer Management (emphasis on nitrogen management)
- Plant Sensing/Tissue Analysis/Foliar Feeding Research and Technology Development (includes both micro and macro nutrients)

Eligible Projects:

Eligible project activities include research that addresses one or more of the activities as defined by Minnesota Statutes, section 18C.71. These activities include research, education, and technology transfer related to the production and application of fertilizer, soil amendments, and other plant amendments.

Contact Information:

Applications must be submitted using the format prescribed in the proposal instructions. To request the RFP packet (instructions and the application form), please contact the Minnesota Department of Agriculture (MDA) representative listed below by either mail, e-mail or telephone. Materials will be sent free of charge.

Minnesota Department of Agriculture
Bruce Montgomery, Section Manager
Fertilizer Non-Point Section
625 Robert Street North
St. Paul, MN 55155
E-mail: *Bruce.Montgomery@state.mn.us*
Phone: (651) 201-6178

No other personnel or representatives are authorized to discuss this RFP with responders before the proposal submission deadline. Contact regarding this RFP with any other MDA personnel not listed above could result in disqualification.

Submission Deadline: Project proposals must be received not later than 3:00 p.m. Central Time, May 21, 2013. Late responses will not be considered. Fax and e-mail responses will not be considered

This request for proposal does not obligate the state to award a contract or complete the project, and the state reserves the right to cancel the Request for Proposal if it is considered to be in its best interest.

Completed and Current AFREC funded Project: For a list of AFREC funded projects please see the following web link:

<http://www.mda.state.mn.us/afrec>

Department of Commerce

Division of Energy Resources

Notice of Grant Availability in Applied Research and Development Projects that Accelerate the Development and Adoption of New Energy Efficient Technologies and Strategies

The Minnesota Department of Commerce, Division of Energy Resources seeks proposals from organizations or individuals interested in applied research and development projects that serve to accelerate the development and adoption of new energy efficient technologies and strategies in Minnesota. The information obtained from this effort is intended to inform electric and natural gas utility Conservation Improvement Program (CIP) development and state energy policy. Up to \$2 million in total is available for this particular Request for Proposal (RFP).

The RFP and required forms will be available for download on the Department's website (<http://mn.gov/commerce/>) through Monday, August 12, 2013. Responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Department no later than 12:00 p.m. (Noon) Central Time (CT), on Monday, August 12, 2013.

The RFP and forms can be obtained from:

Preferred Method: <http://mn.gov/commerce/>
Hover over "Topics", then click on "Request for Proposals"

U.S. Postal Service: Ann Zechbauer
Minnesota Department of Commerce
Division of Energy Resources
85 Seventh Place East, Suite 500
Saint Paul, MN 55101

The Notice of Intent to Propose in response to this RFP must be received by the Department no later than 3:00 p.m. CT, Monday, June 3, 2013. Only successful Responders of the Intent to Propose process are eligible to submit a full proposal in response to this RFP. Full Proposals must be received by the Department no later than 3:00 p.m. CT, Monday, August 12, 2013. **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 Housing Finance Agency (MHFA)

Consolidated Request for Proposals for

- **2013 Single Family Request for Proposals**
- **2013 Multifamily Request for Proposals**
- **2014 Housing Tax Credit Program Request for Proposals**

Minnesota Housing Finance Agency (Minnesota Housing) finances affordable housing opportunities for low- and moderate-income Minnesotans while fostering strong communities. The Consolidated Request for Proposal (RFP) will provide an estimated \$93 million in funding (including funding from partners) and \$12 million in annual Housing Tax Credits.

If you are unable to access the website or need assistance locating or identifying the appropriate materials, contact the Multifamily Division at (651) 297-3294 or Toll Free: 1-800-657-3701 or Single Family Division at (651) 296-7994 or Toll Free: 1-800-710-8871.

RFP Submission Deadlines:

- Multifamily and Housing Tax Credit (2014 Round 1): Must be received by **5:00 p.m. on or before Tuesday, June 18, 2013.**

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- Single Family RFP must be received at Minnesota Housing by **12:00 Noon on or before Thursday, July 11, 2013.**
- Housing Tax Credit (2014 Round 2) applications: Must be received by **5:00 p.m. on or before Tuesday, January 28, 2014**

Funding Partners include:

Single Family: Greater Minnesota Housing Fund, Family Housing Fund, Metropolitan Council, Minnesota Department of Corrections and Department of Employment and Economic Development Multifamily: Metropolitan Council, DEED, Family Housing Fund and Greater Minnesota Housing Fund

*Minnesota Housing Funding – all amounts are estimated and subject to legislative approval or appropriations where applicable:

Funding for Single Family or Multifamily:

- Economic Development and Housing Challenge Program funds (EDHC) Up to \$7.9 million
- EDHC – Indian Housing set-aside Up to \$1.2 million
- Housing Infrastructure Bonds (HIB) Up to \$15 million
- Housing and Job Growth Initiative Up to \$5 million

Single Family Funding:

- 2% Interim Construction Financing \$280,000
- 0% Interim Construction Financing \$500,000

Multifamily Funding:

- Housing Tax Credits (HTC) \$12 million
- Low and Moderate Income Rental Program (LMIR) through tax-exempt and other non-federal Agency resources for first mortgage financing and bridge loans (when required for eligibility for 4% tax credits) Up to \$50 million
- Flexible Financing for Capital Costs (FFCC) Up to \$1million
- Preservation ARIF (PARIF) Up to \$4 million
- HOME Up to \$3.5 million

Funding Partners Programs – all amounts are estimated and subject to availability:

Funding for Single Family or Multifamily:

- Metropolitan Council – Local Housing Incentive Account (LHIA) \$1.5 million
- Family Housing Fund \$1 million

Single Family Funding:

- Greater Minnesota Housing Fund \$400,000

Multifamily Funding:

- Greater Minnesota Housing Fund \$800,000 million
- Minnesota Department of Employment and Economic Development (MN DEED) - Small Cities Development Program (SCDP) Up to \$1 million

FOR FURTHER INFORMATION, REFER TO THE MULTIFAMILY REQUEST FOR PROPOSAL GUIDE AND THE SINGLE FAMILY APPLICATION GUIDE AND INSTRUCTIONS AVAILABLE ON THE MINNESOTA HOUSING WEBSITE AT:

www.mnhousing.gov

Single Family and Multifamily RFP and Housing Tax Credit Applications Technical Assistance:

- Single Family: RFP information sessions will occur via a webinar and at Minnesota Housing the end of May, 2013. Please refer to Minnesota Housing's website for dates, times and registration information.
- Multifamily: staff is available for technical assistance on an on-going basis. Additionally, a Multifamily RFP and Housing Tax Credit webinar has been scheduled for release on May 9, 2013. Please refer to the Minnesota Housing website at: *www.mnhousing.gov* for additional information

Minnesota Housing Board Approval:

- Recommendations for the Consolidated Single Family and Consolidated Multifamily RFP and 2014 Housing Tax Credit Round 1 funding recommendations will be made at the Minnesota Housing Special Board meeting on November 7, 2013. 2014 Housing Tax Credit Round 2 funding recommendations will be made at the April 24, 2014 Minnesota Housing Board Meeting (Tentative date).

Funding partners' single family and multifamily proposal recommendations will be presented at their individual board meetings.

Funding Notification:

Notification of the Consolidated Single Family and Consolidated Multifamily RFP, and 2014 Housing Tax Credit funding awards will be posted on the Minnesota Housing website after the Board meetings noted above. Multifamily selection letters will be mailed within 10 business days of the approval. Single Family Funding Agreements will be mailed within 20 business days of the approval. Organizations awarded funds from Minnesota Housing funding partners will be notified from the appropriate funding partner directly, after each of their respective board meetings.

This Consolidated Request for Proposal is subject to all applicable federal, state, and municipal laws, rules, and regulations. Minnesota Housing reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of proposals.

It is the policy of the Minnesota Housing to further fair housing opportunity in all Agency programs and to administer its housing programs affirmatively, so that all Minnesotans of similar income levels have equal access to Agency programs regardless of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to receipt of public assistance, disability, or family status.

2014 HOUSING TAX CREDIT PROGRAM REQUEST FOR PROPOSALS

The HTC program continues to have two funding rounds per year. Information regarding the HTC 2014 Round 2 is outlined in the HTC section of this publication.

Eligible applicants are invited to submit proposal(s) to the 2013 Multifamily Consolidated RFP and the 2014 Housing Tax Credit Program (HTC) using the Minnesota Housing Rental Housing Common Application and its required forms and submittals.

FOR FURTHER INFORMATION, REFER TO THE MULTIFAMILY REQUEST FOR PROPOSAL GUIDE AVAILABLE ON THE MINNESOTA HOUSING WEBSITE AT: www.mnhousing.gov

2014 HOUSING TAX CREDIT PROGRAM (HTC)

Minnesota Housing is accepting 2014 Round 1 competition applications for reservation and allocation of 2014 Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986, as revised. Please refer to the Housing Tax Credit Applications Availability, Technical Assistance and RFP Due Dates section of this RFP for additional details.

Housing Tax Credits offer a ten-year reduction in tax liability to owners and investors in eligible low-income rental housing developments involving new construction, rehabilitation, or acquisition with rehabilitation. General information on tax credit availability is posted on the Minnesota Housing website.

Total estimated 2014 tax credits available for the State of Minnesota is approximately \$12 million. Minnesota Housing has estimated the housing credit ceiling for Minnesota for calendar year 2014 based upon the amounts of the housing credit ceiling for calendar year 2013. The actual housing credit ceiling for the year 2014 will not be known by Minnesota Housing until February or March of 2014.

2014 Round 1 will be the primary tax credit selection / allocation round. It is anticipated that most of the 2014 tax credits will be forward selected during this round for the 2014 tax credit year. Any credits remaining following the conclusion of the 2014 Round 1 will be made available for 2014 Round 2.

2014 PROGRAM, QAP, PROCEDURAL MANUAL AND SCORING CHANGES

As part of its annual revisions process, Minnesota Housing's 2014 Housing Tax Credit Program, Qualified Allocation Plan, Procedural Manual, Self-Scoring Worksheet and various related programmatic documents have been revised in several key respects. Additional detail

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regarding these changes can be found on the Housing Tax Credit Allocation page of the Minnesota Housing website at: www.mnhousing.gov

Credit Formula:

The Minnesota Legislature designated Minnesota Housing as the primary allocating agency for housing tax credits for the state and authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the *Minnesota Statutes* Section 462A.222 and 462A.223.

Minnesota Housing Administration of Tax Credits:

In both tax credit rounds, applicants with eligible buildings in the balance of the state, not within the jurisdiction of a suballocator, may apply to Minnesota Housing for an allocation of housing tax credits.

Each year, 10 percent of the state ceiling is set aside by Minnesota Housing for allocation to nonprofit sponsored developments with a Section 501(c)(3) or 501(c)(4) status or appropriate designation approval by the IRS as required by Section 42(h)(5). Qualified nonprofit organizations can apply to Minnesota Housing for these credits, regardless of the geographic location of the proposed low income housing development, as specified in the Qualified Allocation Plan.

Local Administration of Tax Credit:

The following eligible cities and counties have the authority to administer the tax credits locally:

(S) Suballocator		(JPS) Joint Powers Suballocator	
(S) Saint Paul	(651) 266-6020	(JPS) Duluth	(218) 730-5303
(S) Dakota County	(651) 675-4478	(JPS) St. Cloud	(320) 252-0880
(S) Minneapolis	(612) 673-5263	(JPS) Rochester	(507) 328-2008
(S) Washington Cty.	(651) 458-0936		

In Round 1, applicants with eligible buildings located within the jurisdiction of the above Suballocators (S) must apply to the local administrators (suballocators) for allocation of the housing tax credit. Joint Powers suballocators enter into an agreement with Minnesota Housing to perform allocation and compliance functions. Applicants with eligible buildings located within the jurisdiction of the above Joint Powers Suballocators (JPS) must submit complete applications to both the local administrators (joint powers suballocators) and to Minnesota Housing concurrently. Nonprofit applicants may apply both to Minnesota Housing and the suballocator for an allocation. For further information, please contact the suballocator at the telephone numbers listed above.

In Round 2, all unallocated tax credits will be transferred to a unified pool for allocation by Minnesota Housing on a statewide basis as specified in the Qualified Allocation Plan.

Minnesota Department of Human Services (DHS)

Community Partnerships Division

Child Development Services

Notice of Request for Proposals (RFP) for Qualified Grantee (s) to Provide Child Care Resource and Referral (CCR&R) Baseline Services in Region 3

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) Child Development Services (CDS) unit through the Division of Community Partnerships is soliciting proposals from qualified Responders (public or private nonprofit organizations) with the capacity to provide Child Care Resource and Referral (CCR&R) Baseline Services in Region 3.

The term of any resulting contract is anticipated to be two years, from **July 1, 2013**, through **June 30, 2015**. The Department estimates the **annual** base operational cost of this contract each year should not exceed **\$135,000** for **Region 3 CCR&R Baseline Services**.

As the CCR&R Region 3 Baseline site, the successful responder will provide services in Bois Forte, Itasca, St. Louis, Lake, Cook,

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Aitken, and Carlton Counties in the Arrowhead Area. These services will involve three distinct levels of service delivery:

1. As a local, baseline site, the vendor will:
 - Publicize child care resource and referral information services to families;
 - Recruit licensed child care programs to join Parent Aware by using multiple strategies that would include working with community advocates and other Parent Aware supporters;
 - Provide informational and orientation meetings on Parent Aware;
 - Provide quality coaching services to programs in the Building Quality/Parent Aware pathway as part of the process to obtain a Parent Aware rating;
 - Adhere to the fidelity of the Building Quality Coach Model;
 - Provide CLASS coaching (child care centers only);
 - Provide technical assistance to child care programs seeking a Parent Aware rating on the process and documentation needed for submission to DHS to obtain a rating;
 - Provide technical assistance to Parent Aware participating programs on the best use of their quality improvement supports dollars; and
 - Collaborate and/or partner with local community organizations to collectively provide services to family, friends, and neighbor caregivers to build a better community for families and children in Region 3.

2. As part of the CCR&R Northeast District team, the selected vendor will provide assistance and direction to the district office in Pine City, MN to ensure that:
 - Parents in Region 3 receive child care referrals, consultation, and information on quality child care and Parent Aware rating system;
 - Child care providers in the region know about the Child Care Services Grants which are administered through the district site and how to apply for the grants;
 - Input from Region 3 county licensors is provided to plan training for child care providers in the region;
 - Training information is accessible to providers, families, and community partners in the region; and
 - Ongoing intense coordination and communication is developed with the District to ensure licensed providers participating in Parent Aware receive seamless and timely services from both baseline and district staff; with particular focus on the professional development advising and improvement supports funds.

3. As part of the statewide system of CCR&R programs, the vendor will work in partnership with the Minnesota CCR&R Network Office, Minnesota Tribal Resources for Early Childhood Care (MNTRECC), and DHS to:
 - Provide standardized CCR&R services in the region following CCR&R Network Office guidelines and procedures
 - Ensure that CCR&R services are accessible to tribal families on or off the reservations within the region;
 - Provide education and consultations to families and providers about quality child care programs;
 - Promote school readiness; and
 - Work with licensed child care providers as well as family, friend, and neighbor (FFN) providers on professional development activities.

DHS will award the contract to a public or private nonprofit organization which clearly demonstrates how they will operate in the CCR&R system as a Baseline CCR&R program which has a strong local presence with staffing structured and services delivered to meet the specific needs of the community including refugee & immigrant groups and tribal communities as well as strong ties to local organizations and partners. Additionally, the responders will need to clearly demonstrate how they will operate as team members as part of the CCR&R Northeast District Team, and as a partners with the MN CCR&R Network (Child Care Aware of Minnesota) office and the Minnesota Tribal Resources for Early Child Care (MN TRECC), in delivering CCR&R Region 3 Baseline Services in a manner that is culturally and ethnically sensitive.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP Web site:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000102

under "Partners and Providers," "Grants and RFPs". To obtain an e-mail copy of the RFP, please contact Fred Fuhrmann at:

fred.fuhrmann@state.mn.us.

For further information or to request a paper copy of the Request for Proposals, please contact:

Fred Fuhrmann, Grants Coordinator

State Grants & Loans

Community Partnerships Division
Department of Human Services
P.O. Box 64962
St. Paul, MN 55164-0962
E-mail: *fred.fuhrmann@state.mn.us*

Proposals must be physically received (not postmarked) at Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, MN, 55155, no later than **3:00 p.m. Central Daylight Time on Tuesday, May 28, 2013** to be considered. **Late proposals and faxed or e-mailed proposals will not be considered.**

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

Minnesota Department of Human Services (DHS) Community Partnerships and Child Care Services Division Child Development Services Notice of Request for Proposals (RFP) for Qualified Grantee (s) to Provide Child Care Resource and Referral (CCR&R) Baseline Services in Region 5

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) Child Development Services (CDS) unit through the Division of Community Partnerships is soliciting proposals from qualified Responders (public or private nonprofit organizations) with the capacity to provide Child Care Resource and Referral (CCR&R) Baseline Services in Region 5.

The term of any resulting contract is anticipated to be two years, from **July 1, 2013**, through **June 30, 2015**. The Department estimates the **annual** base operational cost of this contract each year should not exceed **\$100,000** for **Region 5 CCR&R Baseline Services**.

As the CCR&R Region 5 Baseline site, the successful responder will provide services in Cass, Wadena, Crow Wing, Todd, and Morrison Counties. These services will involve three distinct levels of service delivery:

1. As a local, baseline site, the vendor will:
 - Publicize child care resource and referral information services to families;
 - Recruit licensed child care programs to join Parent Aware by using multiple strategies that would include working with community advocates and other Parent Aware supporters;
 - Provide informational and orientation meetings on Parent Aware;
 - Provide quality coaching services to programs in the Building Quality/Parent Aware pathway as part of the process to obtain a Parent Aware rating;
 - Adhere to the fidelity of the Building Quality Coach Model;
 - Provide CLASS coaching (child care centers only);
 - Provide technical assistance to child care programs seeking a Parent Aware rating on the process and documentation needed for submission to DHS to obtain a rating;
 - Provide technical assistance to Parent Aware participating programs on the best use of their quality improvement supports dollars; and
 - Collaborate and/or partner with local community organizations to collectively provide services to family, friends, and neighbor caregivers to build a better community for families and children in Region 5.

2. As part of the CCR&R Northeast District team, the selected vendor will provide assistance and direction to the district office in Pine City, MN to ensure that:
 - Parents in Region 5 receive child care referrals, consultation, and information on quality child care and Parent Aware rating system;

State Grants & Loans

- Child care providers in the region know about the Child Care Services Grants which are administered through the district site and how to apply for the grants;
 - Input from Region 5 county licensors is provided to plan training for child care providers in the region;
 - Training information is accessible to providers, families, and community partners in the region; and
 - Ongoing intense coordination and communication is developed with the District to ensure licensed providers participating in Parent Aware receive seamless and timely services from both baseline and district staff; with particular focus on the professional development advising and improvement supports funds.
3. As part of the statewide system of CCR&R programs, the vendor will work in partnership with the Minnesota CCR&R Network Office, Minnesota Tribal Resources for Early Childhood Care (MNTRECC), and DHS to:
- Provide standardized CCR&R services in the region following CCR&R Network Office guidelines and procedures
 - Ensure that CCR&R services are accessible to tribal families on or off the reservations within the region;
 - Provide education and consultations to families and providers about quality child care programs;
 - Promote school readiness; and
 - Work with licensed child care providers as well as family, friend, and neighbor (FFN) providers on professional development activities.

DHS will award the contract to a public or private nonprofit organization which clearly demonstrates how they will operate in the CCR&R system as a Baseline CCR&R program which has a strong local presence with staffing structured and services delivered to meet the specific needs of the community including refugee & immigrant groups and tribal communities as well as strong ties to local organizations and partners. Additionally, the responders will need to clearly demonstrate how they will operate as team members as part of the CCR&R Northeast District Team, and as a partners with the MN CCR&R Network (Child Care Aware of Minnesota) office and the Minnesota Tribal Resources for Early Child Care (MN TRECC), in delivering CCR&R Region 5 Baseline Services in a manner that is culturally and ethnically sensitive.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP Web site:

http://www.dhs.state.mn.us/main/dcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000102

under "Partners and Providers," "Grants and RFPs". To obtain an e-mail copy of the RFP, please contact Fred Fuhrmann at:

fred.fuhrmann@state.mn.us.

For further information or to request a paper copy of the Request for Proposals, please contact:

Fred Fuhrmann, Grants Coordinator
Community Partnerships Division
Department of Human Services
P.O. Box 64962
St. Paul, MN 55164-0962
E-mail: fred.fuhrmann@state.mn.us

Proposals must be physically received (not postmarked) at Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, MN, 55155, no later than **3:00 p.m. Central Daylight Time on Tuesday, May 28, 2013** to be considered. **Late proposals and faxed or e-mailed proposals will NOT be considered.**

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

State Contracts

Minnesota Department of Human Services (DHS)

Purchasing and Service Delivery Division

Addendum to Request for Proposals to Provide Prepaid Health Care from Qualified Managed Care Organizations (MCOs) to Medical Assistance (MA) and MinnesotaCare Recipients in Aitkin, Benton, Carlton, Chisago, Cook, Fillmore, Houston, Isanti, Kittson, Koochiching, Lake, Lake of the Woods, Mahnommen, Marshall, Mille Lacs, Mower, Norman, Olmsted, Pennington, Pine, Polk, Red Lake, Roseau, Sherburne, St. Louis, Stearns and Winona Counties

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services through its Purchasing and Payment Policy Division has published an Addendum to its Request for Proposal (RFP) that was published in the April 15, 2013 *State Register*.

In the Addendum, there are revisions to the "Financial Considerations" section on page 7 of the RFP clarifying the "cost allocation for any portion of an MCO" as meaning "cost allocation for any portion of an MCO salary and compensation" in excess of \$200,000 as part of the administrative rate on a PMPM basis.

Changes to the Timeline in the RFP found on page 18 in Section IV.A and include the following updates:

1. "Provide Data Book to MCOs" changed from April 29, 2013 to May 10, 2013;
2. "Price Bid Responder's Conference" changed from May 3, 2013 to May 15, 2013;
3. "Technical Proposals Due" changed from May 13, 2013 to May 24, 2013;
4. "All Price Bid RFP Questions Received" changed from May 13, 2013 to May 17, 2013;
5. "All Price Bid RFP Questions Answered and Posted on DHS Website" changed from May 15, 2013 to May 22, 2013;
6. "Price Bid Proposal Due" changed from May 28, 2013 to June 7, 2013;
7. "Technical RFP Review Completed" changed from May 31, 2013 to June 14, 2013;
8. "Price Bid Review Completed" changed from June 14, 2013 to June 28, 2013.

For questions regarding this Addendum, refer to the designated RFP contact found on page 19 of the RFP.

The text of the RFP Addendum can also be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

This RFP 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.

Bureau of Mediation Services (BMS)

Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Program for Fiscal Year 2014 Grants

The Bureau of Mediation Services is now accepting applications for funding of new or existing Area Labor-Management Committee programs pursuant to *Minnesota Statutes* § 179.81-.85 and Bureau of Mediation Services Rules, Chapter 5520.

The purpose of the program is to improve labor-management relations and enhance economic development in a geographic area of the state or within a specific industry through labor-management cooperation.

Grants will be based on each applicant's financial need and the ability to demonstrate program goals, objectives and work plans which address specific outcomes. The applicant may address all or a combination of the following points:

1. Increase participation in the labor-management cooperative process.
2. Increase in shared decision making between labor and management.

State Grants & Loans

3. Enhance the level of knowledge regarding issues that affect the workplace.
4. Enhance the economic development climate in the area or industry of operation.
5. Maintain or enhance the number of specialized joint labor-management programs designed to increase the efficiency of services to the area or an industry.
6. Other evidence of positive labor-management program results attained through joint cooperative methods.

Persons interested in applying for such funds may secure an application form and policies on the Bureau's website:

<http://www.bms.state.mn.us/labor-management.html> or by requesting them from:

Carol Clifford
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, Minnesota 55108-5253
Phnoe: (651) 649-5423
E-mail: carol.clifford@state.mn.us

Applications for funding for fiscal year 2014 must be postmarked or received by May 28, 2013.

Josh Tilsen, Commissioner
Bureau of Mediation Services

State Contracts

Besides the following listing of state contracts, 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.admin.state.mn.us/ogm.html> .

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 Web site 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.

Find and Follow Past Contracts and RFPs

State Register subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*, Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
- **Indices from Vol 27 to the most current issue**
- **E-mailed to you, on Friday**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **"Contracts & Grants" Open for Bid**

Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us.

The state spends \$2-3 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 each 1/10 of a page, you cannot go wrong.

Minnesota Department of Administration (Admin)

Real Estate and Construction Services

Notice of Availability of Request for Qualifications (RFQ) for Construction Manager at Risk for Minnesota Security Hospital Expansion, Saint Peter Regional Treatment Center

NOTICE IS HEREBY GIVEN that the State of Minnesota Department of Administration, represented by Real Estate and Construction Services Division (RECS) and Department of Human Services (DHS), is seeking a Construction Manager for Construction Manager at Risk services for the construction and expansion of the Minnesota Security Hospital located at Saint Peter Regional Treatment Center in Saint Peter, MN.

A full Request for Qualifications is available at <http://www.mmd.admin.state.mn.us/> by clicking on "Construction" and then "Virtual Plan Room" (or at www.questcdn.com), under the Category "Buildings/Public" with the Project Name "CM@Risk for Minnesota Security Hospital Expansion, Saint Peter Regional Treatment Center" and may be downloaded for a fee of \$10.00. To be considered for selection and a contract, responses must be submitted by the date and time indicated in the RFQ.

A mandatory informational meeting is tentatively scheduled for Thursday, May 2, 2013 at 1:00 p.m. C.T. Project questions will be taken by Kathy Grochowski at kathy.grochowski@state.mn.us. Questions regarding this RFQ must be received by Friday, May 3, 2013 at 12:00 noon C.T.

Responses must be received by the Real Estate and Construction Services, Department of Administration, 309 Administration

Building, 50 Sherburne Ave., St. Paul, MN 55155, Attn.: Kathy Grochowski, no later than Monday, May 13, 2013 by 12:00 noon C.T. Late responses will not be accepted.

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

Minnesota State Colleges and Universities (MnSCU) Minnesota State University Moorhead REQUEST FOR PROPOSAL (RFP) for Campus Card Banking Relationship

Minnesota State University Moorhead is requesting proposals from banking institutions to assist in developing a multiple-use student ID card including the banking functions of direct deposit, checking account availability and access to services. The University's business banking services are **NOT** part of this bid process. Three year contract begins August 1, 2013 with optional renewal periods.

Sealed proposals must be received no later than **1:00 p.m. on Friday, May 31, 2013**

Institution: *Minnesota State University Moorhead*
Name: Jan Mahoney
Title: Vice President for Finance & Administration
Address: 1104 7th Ave South,
Moorhead, MN 56563

Information Contact: David Schuman, **e-mail:** david.schuman@mnstate.edu or **phone:** (218) 477-2679

This request for proposal does not obligate Minnesota State University Moorhead to award a contract or complete the project, and Minnesota State University Moorhead reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges and Universities (MnSCU) Riverland Community College Request for Proposal (RFP) for Signage for Owatonna Campus of Riverland

NOTICE IS HEREBY GIVEN that Riverland Community College is seeking proposals for the purchase of signage to be located at the Owatonna Campus of Riverland Community College.

Proposal specifications are available by contacting Judy Enright, Physical Plant Manager, by **e-mail:** judy.enright@riverland.edu or by calling (507) 433-0636.

A pre-award vendor conference is scheduled for **Tuesday, May 14, 2013, 1:00 p.m.** in Conference Room 102 at the Owatonna Campus of Riverland Community College, 965 Alexander Dr. SW, Owatonna, MN 55060.

Sealed proposals must be received by Judy Enright by **4:00 p.m. on Tuesday, May 28, 2013**. Proposals should be mailed to Judy Enright, Physical Plant Manager, Riverland Community College, 1900 - 8th Ave NW, Austin, MN 55912 or hand delivered to Judy Enright, West Bldg., Riverland Community College, 1900 - 8th Ave NW, Austin, MN 55912.

Riverland Community College reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

State Contracts

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 Department of Natural Resources (DNR) ECommerce Program Request for Information on Provisioning a Multi-channel Sales System for the DNR

The purpose of this Request for Information (RFI) is for the solicitation of information from applicable vendors within the marketplace whom would be interested in provisioning a multi-channel sales system for the Minnesota Department of Natural Resources (DNR) encompassing:

- Hunting and Fishing License Sales, Lottery Applications
- Recreational Passes (Trail, etc.)
- Recreational Vehicle Registrations
- Recreational Vehicle Titling
- Firearms Safety Training & Certifications
- Safety Cards
 - o Snowmobile
 - o Wild Rice Harvester
- Lifetime Licenses

Request for Information will be available by email through May 17, 2013.

The Request for Information can be obtained from:

Scott Pickler
ECommerce Program Director
MN Department of Natural Resources
500 Lafayette Road
Saint Paul, MN 55155
E-mail: *scott.pickler@state.mn.us*
Phone: 1-651-259-5898 (Direct)

Responses submitted in response to the Request for Information in this advertisement must be received at the address above no later than **4:30 p.m., Central Daylight Time, May 21, 2013.**

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

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

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

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related

professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

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

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

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

Send completed application material to:

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

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Non-State Public Bids, Contracts & Grants

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

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

More Contracts and Grants from Other Government Agencies

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.admin.state.mn.us/ogm.html>.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Subscribers can view these by opening the *State Register* and clicking on Bookmarks on the left. (Non subscribers are not able to do this.) You will also see a list of all the current rules, a growing index, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings).

Dakota County

Notice of Request for Proposal for Employment Readiness and Employment Services for Drug Court Participants and Offenders

NOTICE IS HEREBY GIVEN that the Dakota County Community Corrections is sending out a request for proposal (RFP). The purpose of this RFP is to seek proposals for employment readiness and employment services for drug court participants and offenders in Dakota County.

Services requested include:

- Employment counselor / job coach services to assist participants with criminal records improve job search skills and work readiness.
- Working with participants to gain and retain employment.
- Assisting participants to address their criminal record and other barriers to employment.
- Knowledge of Dakota County resources for trainings, workshops and transportation for job seekers.
- Networking with employers who are willing to hire participants.

Contracts may or may not arise as a result of submitting a Request for Proposal. Any contractual agreements are subject to available funding, pending approval by the Dakota County Board of Commissioners.

A complete copy of the RFP is available through the Dakota County Internet website at:

<http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

or by contacting:

Carrie Jakober, Contract Manager
Dakota County Community Services
1 West Mendota Road, Suite 500
West Saint Paul MN 55118-4773
Phone: (651) 554-5783
E-mail: carrie.jakober@co.dakota.mn.us

The deadline for responses is 4:00 P.M. (CST) on Friday, May 10, 2013. Late proposals may not be accepted. Faxed proposals will not be accepted.

Non-State Public Bids, Contracts & Grants

Martin County

Notice of Request for Proposals to Operate the Martin County Transit System and Commuter Services

**PROPOSAL ACCEPTANCE CLOSES MAY 6, 2013 at 4:00p.m
COUNTY of MARTIN, MINNESOTA**

Proposals for the project listed below will be received at the Martin County Coordinator's Office, 201 Lake Avenue, Fairmont, MN 56031, until 4:00 P.M., on May 6, 2013, at which time they will be opened and documented as received, cataloged for all required submittals and prepared for review. Proposal evaluations will occur week of May 13-17, 2013 and may be considered by the Martin County Board of Commissioners at their regular meeting on May 21, 2013. The Board reserves the right to review the proposals at a later date if necessary to allow for further consideration and proposer presentations prior to taking action.

REQUEST FOR PROPOSALS (RFP) TO OPERATE THE MARTIN COUNTY TRANSIT SYSTEM (COUNTY of MARTIN, MN) and COMMUTER SERVICE BETWEEN FAIRMONT, MN and the CITIES OF JACKSON, MN and BLUE EARTH, MN

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Martin County Transit system, at the office of the Martin County Coordinator's Office, at 201 Lake Avenue, Fairmont, MN 56031, until 4:00 p.m. local time, on the 6th day of May 2013 for the operation of public transit services titled "Martin County Transit System" including an alternate bid for the operations of Job Access Reverse Commute (JARC) Commuter Services between Fairmont and the Cities of Jackson, MN and Blue Earth, MN for the period from June 1, 2013-December 31, 2015. This Request For Proposals has provisions for proposers to provide for costs associated with TWO-1 year Option Years for services. All proposals must provide for costs associated with each option year indicated. Option Years will be part of the evaluation process in selecting the successful proposal. The Martin County Transit System intends to exercise those options after the contract is awarded.

The Martin County Transit public system is a countywide system, subsidized with state and federal public transit dollars, which utilizes small chassis cut-away buses to transport passengers.

The RFP documents and Proposal form may be obtained, at no cost, at the office of the Martin County Coordinator, at 201 Lake Avenue, Fairmont, MN 56031. The contact person for all communication involving the RFP is:

Scott Higgins
Martin County Coordinator
201 Lake Avenue, Fairmont, MN 56031
Phone: (507) 238-3126

Other County personnel are not allowed to discuss the RFP with anyone, including potential responders, before the RFP submission deadline.

All proposals shall be sealed with the proposers name and address clearly identified on the outside of packet. The Packet shall include a cash deposit, cashier's check, proposal bond, or certified check in the amount of five percent (5%) of the proposal amount, payable to the Martin County Auditor/Treasurer. Such amount shall be forfeited to the Martin County Auditor/Treasurer as liquidated damages, if the bidder, upon letting the agreement, shall fail to enter into the agreement so let.

Disadvantaged Business Enterprises (DBE) Special Provisions: The MNDOT Office of EEO/Contract Management has assigned a Race/Gender Neutral DBE goal to this project. Bidders are directed to read the Disadvantage Business Enterprise (DBE) Special Provision race/gender neutral goal in Attachment 3. The Disadvantage Business Enterprise Special Provisions explains how to comply with the DBE requirements. The documents that bidders must submit with their bid proposal are included in with the Bid Specifications document.

The Martin County Board of Commissioners reserves the right to select the most advantageous offer by evaluation and comparing factors in addition to cost or price such that a recipient may acquire technical superiority even if it must pay a premium price. A "premium" is the difference between the price of the lowest priced proposal and the one that the recipient believes offers the best value.

Dated this 1st day of April 2013

By Order of The Martin County Board of Commissioners
Scott Higgins, Martin County Coordinator

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-St. Paul International Airport

Notice of Call for Bids for 2013 Miscellaneous Construction

MAC Contract No.

106-1-263

Bids Close At:

2:00 PM on May 14, 2013

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 includes installation of airfield frequency signs, sign relocation, replacement of Precision Approach Path Indicator (PAPI) system, handhole reconstruction, and storm sewer manhole casting assembly replacement.

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

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of TKDA, the Minneapolis and Saint Paul Builders Exchanges, McGraw-Hill Construction/Dodge, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN, 55101; **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to TKDA. Deposit per set (refundable): \$50.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on April 29, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC)

Adjacent to the Minneapolis–Saint Paul International Airport

Notice of Call for Bids for TH 494–34th Avenue South Interchange Improvements

MAC Contract No.:

106-3-471

Bids Close At:

Tuesday, May 21, 2013 at 2:00PM

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. Major items of work include mobilization, traffic control, removals, grading, drainage, crushed aggregate base, concrete curb and gutter, concrete pavement, bituminous pavement, pavement marking, signing, signalization, lighting and LRT facility adjustments.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 5%.

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Kimley-Horn and Associates, Inc., 2550 University Avenue West, Suite 238N, Saint Paul, Minnesota 55114; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Kimley-Horn and Associates, Inc.; 2550 University Avenue West, Suite 238N; Saint Paul, Minnesota 55114; **phone:** (651) 645-4197; **fax:** (651) 645-5116. Make checks payable to Kimley-Horn and Associates, Inc. Deposit per set (refundable) \$150.00. Requests for mailing sets will require a separate, non-refundable \$15.00 check for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

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 April 29, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis–Saint Paul International Airport Notice of Call for Bids for 2013 Landside Pavement Rehabilitation

MAC Contract No.: 106-3-489
Bids Close At: 2:00 PM, Tuesday, May 14, 2013

Notice to Contractors: Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for concrete pavement rehabilitation, concrete pavement reconstruction, concrete joint repair, concrete curb and gutter replacement, bituminous pavement milling, and traffic loop detector replacement.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 2%.

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Kimley-Horn and Associates, Inc., at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Kimley-Horn and Associates, Inc.; 2550 University Avenue West Suite 238N; St. Paul, MN, 55114; phone: (651) 645-4197. Make checks payable to Kimley-Horn and Associates, Inc. Deposit per set (refundable) \$100.00. Requests for mailing sets will require a separate, non-refundable \$15.00 check for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on April 29, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

Minnesota Sports Facilities Authority Advertisement for Qualifications and Proposals for Equity Management Consulting Services

1. Proposals – Submit qualifications and indication of interest in response to a Request for Proposals issued by the Minnesota Sports Facilities Authority – Equity Management Consulting Services, Minneapolis, Minnesota, to Steven C. Maki, Director of Facilities, at the Minnesota stadium and to Don Becker, Project Executive for Minnesota Vikings Football, LLC on or before 3:00 pm CDST, on May 10, 2013.

2. Work Includes – Provide Equity Management Consulting services for a new stadium and related stadium infrastructure that will serve as a venue for professional football and a broad range of other civic, community, athletic, educational, cultural, and commercial activities.

3. Pre-Proposal Meeting – A pre-proposal meeting will be held on May 3, 2013, at 10:30 am CDST in the Authority's Conference Room. It is mandatory that prime proposers attend the meeting.

4. Examining Documents – Documents will be available for review, at the office of the MSFA, 900 South 5th Street,

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Minneapolis, MN and on the website, MSFA.com after April 19, 2013.

5. Obtaining Documents – Proposers may obtain a copy of documents after April 19, 2013, from the Authority, at the MSFA office, 900 South 5th Street, Minneapolis, MN 55415.

6. 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 persons.

The Minnesota Sports Facilities Authority in conjunction with Minnesota Vikings Football, LLC reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ted Mondale, CEO/Executive Director
Minnesota Sports Facilities Authority

PrimeWest Health Request for Proposals for Broker of Record for PrimeWest Health's Employee Health Insurance and Ancillary Benefits

General Information

PrimeWest Health requests proposals for a Broker of Record from qualified licensed brokers for the health insurance and ancillary benefits for PrimeWest Health employees.

PrimeWest Health is a County-Based Purchasing (CBP) health plan owned by the 13 rural Minnesota counties we serve. PrimeWest Health is governed by a Joint Powers Board (JPB) of directors. PrimeWest Health manages and pays for the health care, wellness, and human services for approximately 24,000 medically and economically vulnerable residents in the 13 counties. Through the efforts of over 130 employees, PrimeWest Health operates in compliance with the same Federal and State laws, regulations, and rules that regulate private health plans and managed care organizations (MCOs).

Any Broker interested in submitting a proposal is requested to submit a Letter of Interest via e-mail to Kathy Hungness at k.hungness@primewest.org by noon CST on May 15, 2013. Please state "Broker of Record" in the email's subject memo line.

To be considered, a proposal must be emailed by noon CST on May 29, 2013 to Kathy Hungness, Director of Administrative Services, PrimeWest Health, at k.hungness@primewest.org. Please state "Broker of Record" in the email's subject line. Do not contact others in the PrimeWest Health organization regarding the Broker of Record Request for Proposal.

Issuance of this request for proposal and receipt of proposals does not commit PrimeWest Health to award a contract. PrimeWest Health reserves the right to postpone the award for its own convenience, to accept or reject any or all proposals received in response to this request for proposal, to negotiate with more than one responder simultaneously, or to cancel all or any part of this request for proposal. PrimeWest Health expressly reserves the right to amend this request for proposal at any time. This request for proposal simply represents a description of specific requirements. It is not an offer to contract, nor does it create any obligation to contract in the future. Only the execution of a written contract will obligate PrimeWest Health in accordance with the terms and conditions of such contract. Submitted proposals will be reviewed and evaluated by a PrimeWest Health Selection Committee. During the evaluation, PrimeWest Health reserves the right to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. Brokers may be requested to make oral presentations to the Selection Committee as part of the final evaluation.

Upon receipt, all submissions provided in response to this proposal become the property of PrimeWest Health and will not be returned. PrimeWest Health has the right to use any of the information contained in a response to the request for proposal, regardless of whether the Broker's proposal ultimately leads to a formal contract with PrimeWest Health. PrimeWest Health shall not incur any liability to any Broker with respect to its use of a response to the request for proposal. Submitting a proposal indicates a Broker's acceptance of

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the conditions contained in this request for proposal.

PrimeWest Health anticipates that the Selection Committee will complete its recommendation of a Broker of Record by June 30, 2013 and that PrimeWest Health's Joint Powers Board of Directors will select a Broker of Record at its August 1, 2013 board meeting. Notification to the selected Broker of Record will occur within five (5) business days. Following that notification, PrimeWest Health anticipates executing a contract between PrimeWest Health and the Broker of Record within one to two (1 – 2) weeks.

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