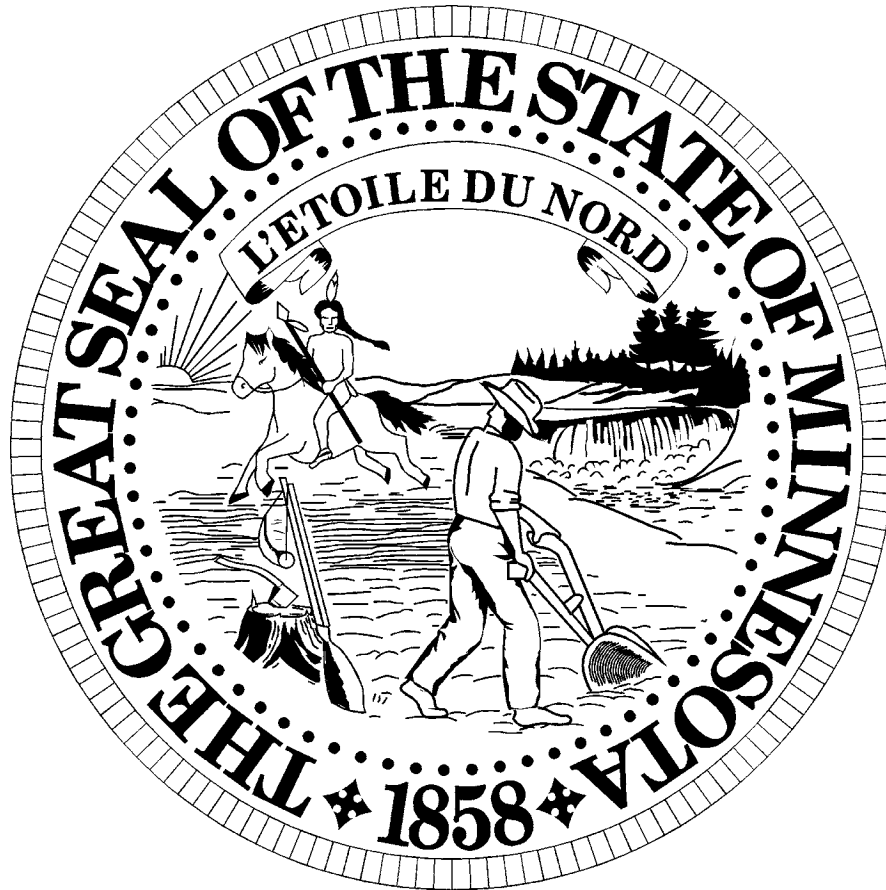


Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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

**Monday 10 July 2023
Volume 48, Number 2
Pages 19 - 50**

Minnesota State Register

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

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 48 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#3	Monday 17 July	Noon Tuesday 11 July	Noon Thursday 6 July
#4	Monday 24 July	Noon Tuesday 18 July	Noon Thursday 13 July
#5	Monday 31 July	Noon Tuesday 25 July	Noon Thursday 20 July
#6	Monday 7 August	Noon Tuesday 1 August	Noon Thursday 27 July

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

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Minnesota State Court System

Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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Federal Register

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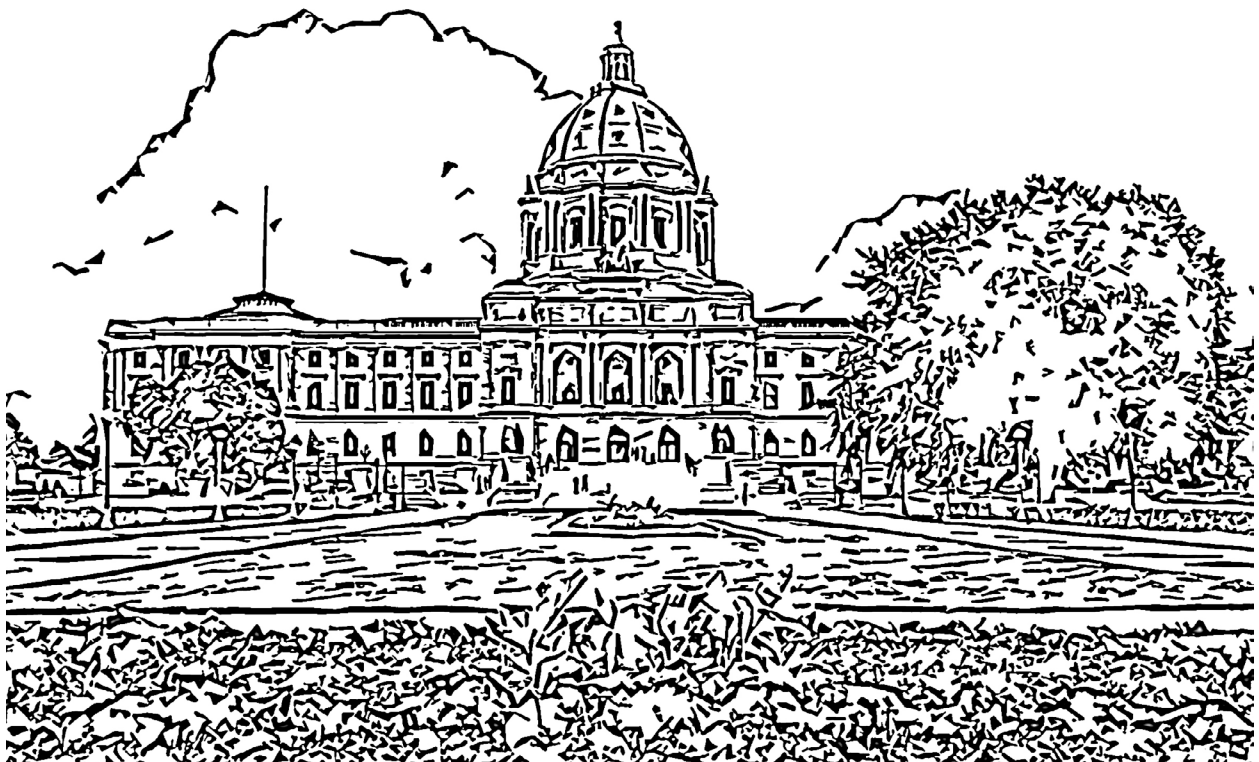
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NOTICE: How to Follow State Agency Rulemaking in the State Register

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

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

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

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

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

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

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

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

Minnesota Tax Court

Independent Executive Branch Agency

Proposed Permanent Rules and Amendments to Rules of Tax Court Procedure; Notice Of Intent to Adopt Rules without a Public Hearing

Proposed Permanent Rules and Amendments to Rules of Tax Court Procedure, Minnesota Rules 8610.0020 Practice Before Tax Court by Nonresident Lawyers, 8610.0030 Extension of Time to Appeal from an Order of Commissioner of Revenue, 8610.0070 Motion Practice, 8610.0080 Motions to Reconsider, 8610.0100 Stipulation of Facts, 8610.0110 Submission Without Hearing, 8610.0130 Documentary Evidence, 8610.0150 Request for Costs and Disbursements, 8610.0160 E-file and Eservice, 8610.0170 Voluntary Alternative Dispute Resolution; Revisor’s ID Number R-04729

Introduction. The Minnesota Tax Court 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. You may submit written comments on the proposed rules and amendments and may also submit a written request that a hearing be held on the rules until **4:30 p.m. on Wednesday, August 9, 2023.**

Tax Court Contact Person. Comments or questions on the rules and written requests for a public hearing should

Proposed Rules

be directed to: the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

Alternatively, the Tax Court contact person is: Jane N. Bowman, Chief Judge, Minnesota Tax Court, 245 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., Saint Paul, MN 55155, Phone: 651-539-3260, Fax: 651-297-8737, Info@taxcourt.state.mn.us.

Subject of Rules. The Minnesota Tax Court proposes new and amended rules governing practice in front of the Court. The Court is proposing additions and changes to reflect current practices in the court as they have evolved, to conform to the rules of procedure applicable to district courts, and to recognize the acquisition of modern technology. In addition to proposing three new rules, the court proposes amendments to several existing rules to conform to actual practice in the court, to changes in technology, and to the adoption of the efilng and eservice rule by the court (proposed rule 8610.0160). A copy of the proposed rules and amendments is published in the State Register and attached to this notice.

Described below are the main parts of the proposed rules and amendments. For more information about the proposed rules, please refer to the statement of need and reasonableness which is available as stated below.

Proposed New Rules. The new provisions include: (1) motions for reconsideration; (2) efilng and e-service; and (3) voluntary mediation.

Rule 8610.0080. This rule adopts District Court Rule 115.11 (titled Motions for Reconsideration) to maintain uniformity with the rules and procedures of Minnesota district courts.

Rule 8610.0160. This rule adopts most aspects of District Court Rule 14 (titled E-Filing and E-Service) to maintain uniformity with the rules and procedures of Minnesota district courts concerning e-filing and e-service.

Rule 8610.0170. This rule sets forth the Tax Court’s existing, longstanding practices regarding voluntary alternative dispute resolution (“ADR”) (titled Voluntary Alternative Dispute Resolution) of cases pending in the court.

Proposed Amendments. Several proposed amendments will conform existing rules to actual court practices, primarily those involving the use of e-mail and remote technology, other than telephone. The changes are as follows:

Rule 8610.0020, subpart 2: Replaces the provision authorizing hearings by telephone with one authorizing hearings by telephone or other remote technology.

Rule 8610.0030: Replaces the provision requiring requests for extension to be made by telephone or mail with one requiring requests to be made by telephone, e-mail or mail.

Rule 8610.0070, subpart 11: Replaces the provision concerning telephonic hearings with one concerning remote hearings, including those by telephone, and clarifies when hearings must or may be transcribed.

Rule 8610.0100: Replaces the provision requiring filing the original and one copy of the stipulation of facts with a provision stating when and how stipulations of fact must be made part of the record.

Rule 8610.0110: Replaces the provision requiring notice to be given by mail with one requiring notice to be given by any means authorized by these rules.

Rule 8610.0130: Removes the last sentence of the rule.

Rule 8610.0150: Simplifies the service provisions of the rule to conform to the service requirements of motion practice in current rule 8610.0070.

Proposed Rules

Statutory Authority. The Tax Court's statutory authority to adopt new rules and rule amendments is set forth in Minnesota Statutes, section 271.06, subd. 7, which provides:

Except as provided in section 278.05, subdivision 6, the Rules of Evidence and Civil Procedure for the district court of Minnesota shall govern the procedures in the Tax Court, where practicable. The Rules of Civil Procedure do not apply to alter the 60-day period of time to file a notice of appeal provided in subdivision 2. The Tax Court may adopt rules under chapter 14.

Under this statute, the Tax Court has the necessary statutory authority to adopt the proposed rules and amendments to existing rules.

Comments. You have until 4:30 p.m. August 9, 2023, to submit written comment in support of or in opposition to the proposed rules and amendments and any part or subpart of the rules and amendments. Your comment must be in writing and submitted to either the eComments website or to the Tax Court contact person who must receive it by the due date. The Tax Court encourages comment. Your comment should identify the portion of the proposed rules and/or amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you have about the legality of the proposed rules and/or amendments must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Tax Court hold a hearing on the rules. Your request must be in writing and submitted to the eComments website or to the Tax Court contact person who must receive it by 4:30 p.m. on August 9, 2023. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules and/or amendments 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 Tax Court 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 and/or amendments.

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

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 Tax Court contact person at the address or telephone number listed above.

Modifications. The Tax Court may modify the proposed rules and/or amendments as a result of public comment. The modifications must be supported by comments and information submitted to the Tax Court, and the adopted rules may not be substantially different than these proposed rules, unless the Tax Court follows the procedure under Minnesota Rules, part 1400.2110. If the proposed rules affect you in any way, the Tax Court encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules and amendments, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. A copy of the statement of need and reasonableness is attached to this notice.

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

Proposed Rules

Adoption and Review of Rules and Amendments. If no hearing is required, the Tax Court may adopt the rules and amendments after the end of the comment period. The Tax Court will then submit the rules, amendments, and supporting documents to the Office of Administrative Hearings for legal review. You may ask to be notified of the date the Tax Court submits the rules to the Office of Administrative Hearings. If you want to be so notified, or want to receive a copy of the adopted rules and amendments, or want to register with the Tax Court to receive notice of future rule proceedings, submit your request to the Tax Court contact person listed above.

Dated: June 29, 2023

Jane N. Bowman, Chief Judge
Minnesota Tax Court
Info@taxcourt.state.mn.us
Phone: 651-539-3260
Fax: 651-297-8737

8610.0020 PRACTICE BEFORE TAX COURT BY NONRESIDENT LAWYERS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Motion to oppose; denial of privilege.** No later than 30 days before the first scheduled hearing on the matter, opposing counsel may move the tax court for a hearing to oppose the practice of the nonresident lawyer before the tax court. The opposing counsel has the burden of establishing cause to deny the nonresident lawyer the privilege of practicing before the tax court. This hearing may be conducted by telephone or remote technology. Failure of opposing counsel to respond within the specified time period waives opposing counsel's right to contest the nonresident lawyer's practice before the tax court. The tax court may, for cause, deny the nonresident lawyer the privilege of practicing before the tax court.

[For text of subpart 3, see Minnesota Rules]

8610.0030 EXTENSION OF TIME TO APPEAL FROM AN ORDER OF COMMISSIONER OF REVENUE.

A request for an extension of time to appeal from an order of the commissioner of revenue should be made to the tax court either by telephone, by email, or by mail to the main office of the tax court in St. Paul, Minnesota.

If the request for an extension of time is received within 60 days of the making and filing of the order, the tax court will extend the time to appeal for an additional 30 days. If the request for an extension is made more than 60 days after the making and filing of the order, the tax court may, for cause shown, extend the time for appeal to a date not more than 90 days from the date of the making and filing of the order of the commissioner. A request for an extension made more than 60 days after the making and filing of the order must explain why the extension was not requested within the original 60-day period.

8610.0070 MOTION PRACTICE.

[For text of subparts 1 to 10, see Minnesota Rules]

Subp. 11. **Telephone and remote hearings.** If a motion is authorized by the tax court to be heard by telephone conference call, the moving party shall either initiate the conference call or comply with the court's instructions on initiation of the conference call. Dispositive motions must be recorded. Nondispositive motions may be recorded at the request of either party or on motion of the tax court. "Recorded" for this purpose means by tape recording or by a court reporter, as determined by the tax court. If a motion is authorized by the tax court to be heard by remote technology or telephone conference call, the parties must comply with the court's instructions for joining a remote or telephonic proceeding. Dispositive motions must be transcribed. Nondispositive motions may be transcribed at the request of either party or the tax court.

8610.0080 MOTIONS TO RECONSIDER.

Motions to reconsider are prohibited except by express permission of the tax court, which will be granted only upon a showing of compelling circumstances. Requests to make a motion and any responses to such requests must be made only by letter to the tax court of no more than two pages in length, a copy of which must be served on all opposing counsel and self-represented litigants.

Proposed Rules

Nothing in this part alters or tolls any deadlines established by statute, including the deadlines for obtaining appellate review of any order of the tax court.

8610.0100 STIPULATION OF FACTS.

The parties may stipulate ~~in writing~~ to any or all questions of fact involved in the appeal or petition. ~~An original and one copy of the stipulation must be filed with the tax court. Any written stipulation of fact must be filed with the tax court. Any oral stipulation of fact must be placed on the record.~~

8610.0110 SUBMISSION WITHOUT HEARING.

If all parties to an appeal or petition by written stipulation waive their right to a public hearing, the parties may submit the matter to the tax court on written stipulation of facts and briefs. After the submission the court may, in its discretion, require appearance for the taking of further testimony or for oral argument. If an appearance is required, written notice must be given by mail provided to all parties at least ten days before the hearing.

8610.0130 DOCUMENTARY EVIDENCE.

If originals of books, documents, records, or other papers have been received in evidence, a copy of them, or of so many of them as may be material or relevant, may in the discretion of the court be substituted. Copies of documents will be admitted as evidence under the Rules of Evidence.

Originals of books, documents, records, diagrams, or other exhibits introduced in evidence before the court may be withdrawn from the custody of the court in the manner and upon the terms the court in its discretion prescribes.

~~An original and one copy of all exhibits must be furnished to the court, and a copy must be furnished to opposing counsel or the opposing party if the party is pro se.~~

8610.0150 REQUEST FOR COSTS AND DISBURSEMENTS.

No later than 90 days after the date of a final order of the tax court, a party may file and serve a motion that costs and disbursements be granted to the prevailing party in the case of a commissioner of revenue matter under Minnesota Statutes, chapter 271, or be included in the judgment in the case of a real estate tax appeal under Minnesota Statutes, chapter 278. ~~The moving party motion must file an affidavit with the tax court be supported by an affidavit outlining the basis for granting costs and itemizing the items and amounts to be granted requested. The moving party shall serve a copy of the affidavit on the other party to the action and file proof of service with the tax court. Within ten days of being served, the other party must notify the moving party and the tax court of any objection to the request for costs and disbursements and the basis of the objection. The objection to an award must clearly state the basis of the objection and copies of the objection must be served on the moving party and proof of service filed with the tax court. non-moving party must file and serve any objection to the request for costs and disbursements.~~ The tax court may order a hearing within 20 days of receiving an objection to determine whether costs and disbursements will be awarded. The hearing may be conducted by telephone or remote technology at the court's discretion. Failure to respond within the ten-day period waives the ~~other non-moving party's~~ right to contest awarding costs.

8610.0160 E-FILE AND E-SERVICE.

Subpart 1. Definitions. The terms used in this part have the meanings given to them in this subpart.

A. "Confidential document" means a document that will not be accessible to the public, but will be accessible to tax court personnel and, if applicable, to certain governmental entities as authorized by law, court rule, or court order.

B. "Conventionally" means the filing or serving of documents or other materials through authorized means other than through the e-filing system in accordance with this part.

C. "Designated provider" means the electronic filing service provider designated by the tax court administrator.

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D. “Designated email address” has the meaning set forth in subpart 5.

E. “E-filing system” means the designated provider’s Internet-accessible electronic filing and service system.

F. “Electronic means” means transmission using computers or similar means of transmitting documents electronically, including facsimile transmission.

G. “Registered user” means a person registered with the designated provider and authorized to file and serve documents electronically through the e-filing system under this part.

H. “Select users” means the following persons appearing or submitting documents in a case:

(1) attorneys admitted to practice and in good standing in the courts of Minnesota;

(2) attorneys appearing in the tax court under part 8610.0020; and

(3) for purposes of notices of appeal from orders of the commissioner of revenue in the Small Claims Division only, a duly authorized employee of the commissioner of revenue.

I. “Self-represented litigant” means an individual, other than a licensed attorney, who represents themselves in a case or proceeding before the tax court.

Subp. 2. Scope of mandatory and voluntary e-file and e-service. Unless otherwise authorized by this part, other rules of court, or court order, select users must file all documents electronically with the tax court through the e-filing system and must serve documents electronically through the e-filing system as required under subpart 6, item C.

Subp. 3. E-service of e-filed documents only. Documents not filed may not be e-served through the e-filing system. Unless discovery material is properly filed with the tax court, such discovery material may not be served using the e-filing system.

A. Request for exception to mandatory e-file and e-service requirement. A select user required to file and serve electronically may request to be excused from mandatory e-filing and e-service in a particular case, or with respect to a particular document, by motion to the presiding judge. An opt out request may be granted for good cause shown.

B. Self-represented litigants voluntary and mandatory e-file and e-serve.

(1) **Election to use e-filing system.** Unless otherwise required by tax court order, a self-represented litigant may elect to use the e-filing system to electronically file and serve documents. Unless otherwise ordered by the presiding judge, a self-represented litigant is not required to use the e-filing system. If a self-represented litigant has elected or been ordered to use the e-filing system and has become a registered user, that individual must electronically file and serve all documents in that case through the e-filing system unless otherwise required or authorized by this part or the tax court. Registered users are subject to all applicable requirements and obligations as set forth in this part.

(2) **Excuse and prohibition.** A self-represented litigant who has elected to use the e-filing system may be excused from the requirement to electronically file and serve only upon request to and at the discretion of the presiding judge.

(3) **Misuse.** If the tax court becomes aware of any misuse of the e-filing system by a self-represented litigant or determines it appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action, the tax court may, without prior notice, revoke the self-represented litigant’s right to use the e-filing system in the case and require the individual to file and serve all documents conventionally.

C. **Case initiating documents.** Minnesota Statutes, chapters 271 and 278, govern the service of certain case-

Proposed Rules

initiating documents by conventional means, or the filing of case-initiating documents other than by e-filing in the tax court. Nothing in this subpart or chapter 8610 supersedes statutes governing filing and service.

Subp. 4. Relief from operation of this part.

A. Technical errors; relief for sending party. Upon motion and a showing that electronic filing or electronic service of a document was not completed because of:

- (1) an error in the transmission of the document to the e-filing system;
- (2) a failure of the e-filing system to process the document when received; or

(3) other technical problems experienced by the sending party or e-filing system, the tax court may enter an order permitting the document to be deemed filed or served on the date and time it was first attempted to be transmitted electronically. If appropriate, the tax court may adjust the schedule for responding to these documents or the tax court's hearing.

B. Technical errors; relief for other parties. Upon motion and a showing that an electronically served document was unavailable to or not received by a party served, the tax court may enter an order extending the time for responding to that document.

Subp. 5. Registration process and duty to designate email address for service.

A. Becoming a registered user. Only a registered user may electronically file or serve documents through the e-filing system. To become a registered user, a select user or self-represented litigant must complete the registration process, as established by the tax court administrator, and must designate an email address for receipt of electronic service and tax court notices. Registration as a registered user includes consent to receive electronic service and notices from the tax court and other registered users in the case through the e-filing system at a designated email address. This designated email address may also be used by the tax court, but not other parties, to deliver official tax court notices by means other than the e-filing system.

B. Obligations and responsibilities of registered users.

(1) A registered user is responsible for all documents filed or served under the registered user's username and password.

(2) If a registered user knows their login information has been misappropriated, misused, or compromised in any way, they must promptly notify the tax court and change their password.

(3) The court must deem any electronic transmission, downloading, or viewing of an electronic document under a registered user's username and password to have been made with the authorization of that registered user unless and until proven otherwise by a preponderance of the evidence.

(4) A registered user shall maintain a designated email address for receiving electronic service and tax court notices for the duration of any case in which the registered user has electronically transmitted a document for filing as a party or person and until all applicable appeal periods have expired. A registered user shall ensure the designated email address and account are current, monitored regularly, have not exceeded any storage limitation, and that all notices and document links transmitted to the designated email account are timely opened and reviewed.

(5) A registered user may not designate email addresses for any other person or party who is not the registered user's client, law firm staff, or co-counsel. The tax court may impose a sanction against any registered user who violates this subpart. It shall not be a violation for a registered user to select service recipients who have been added to the service list for a case by another registered user when filing or serving documents using the e-filing system.

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Subp. 6. Filing and service of documents and tax court notices.

A. **Filed upon transmittal if accepted.** If it is subsequently accepted by the tax court administrator, a document that is electronically filed is deemed to have been filed on the date and time of its transmittal to the tax court through the e-filing system, and except for proposed orders, the filing shall be stamped with this date and time. Acceptance of electronic filings is governed by rule 5.04(c) of the Minnesota Rules of Civil Procedure. If the filing is not subsequently accepted by the tax court administrator, no date stamp shall be applied and the e-filing system shall notify the filer that the filing was not accepted. Upon receipt of a document electronically transmitted for filing by a registered user, the e-filing system shall confirm to the registered user that the transmission of the document was completed and the date and time of the document's receipt, through an automatically generated notification to the registered user's designated email address. Absent confirmation of receipt, there is no presumption that the document was successfully transmitted to the tax court. The registered user is solely responsible for verifying that the tax court received all electronically transmitted documents.

B. **Effective time of filing.** Any document electronically transmitted to the tax court through the e-filing system for filing by 11:59 p.m. local Minnesota time shall be deemed filed on that date so long as the document is not subsequently rejected for filing by the tax court administrator for a reason authorized by rule 5.04 of the Minnesota Rules of Civil Procedure.

C. **Service by registered users.** Unless personal service is otherwise required by statute, this part, other rules of court, or court order, a registered user shall serve all e-filed documents required or permitted to be served upon another party or person in the following manner:

(1) **Service on registered users.** Except as otherwise permitted in subpart 3, if the party or person to be served is a registered user, service shall be accomplished by using the electronic service function of the e-filing system.

(2) **Service on other parties or persons.** If the party or person to be served is not a registered user but has agreed to service by electronic means outside the e-filing system, such as by email, service may be made in the agreed upon manner. The presiding judge may also order that service on the non registered user be made by electronic means outside of the e-filing system. If service by electronic means is not required or permitted, another method of service authorized under applicable rules or law must be used.

D. **Effective date of service.** Service via the e-filing system is effective upon completion of the electronic transmission of the document to the e-filing system, even if the document is subsequently rejected for filing by the tax court administrator.

E. **Tax court notices.** The tax court may transmit any document or notice to a registered user through the e-filing system. Notice is effective upon transmission of the document or notice to the e-filing system by the tax court. The tax court may also transmit notices outside the e-filing system as provided in subpart 5, item A, or other applicable rules.

F. **Document requirements and format.** Unless otherwise authorized by this part, other rules of court, or court order, all documents filed electronically must conform to the document technical and size requirements as established by the tax court. Such technical and size requirements may be described from time to time in the General Order: e-filing and e-service, which shall be posted on the tax court website.

G. **Nonconforming documents.** If it is not feasible for a registered user to convert a document to an authorized electronic form by scanning, imaging, or other means, or when a document cannot reasonably be transmitted through the e-filing system in conformance with technical and size requirements as established by the tax court, the tax court may allow the registered user to file the document conventionally. A motion to file a nonconforming document must be filed electronically. If the tax court grants the registered user's motion to file a nonconforming document, the registered user shall file and serve the nonconforming document conventionally.

Subp. 7. Signatures.

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A. **Judge and administrator signatures.** All electronically filed and served documents that require a judge's or tax court administrator's signature shall either capture the signature electronically or begin with a handwritten signature on paper that is then converted to electronic form by scanning, imaging, or other means such that the final electronic document has the judge's or tax court administrator's signature depicted thereon. The final electronic document shall constitute an original.

B. **Registered user and nonregistered user signatures.**

(1) **Registered users.** Any document electronically filed or served through the e-filing system that requires the signature of the registered user filing or serving the document shall be deemed to have been signed by the registered user and shall bear the facsimile or typographical signature of the person, along with the typed name, address, telephone number, designated email address, and, if applicable, attorney registration number of a signing attorney. The typographical or facsimile signature of a registered user shall be considered the functional equivalent of an original, handwritten signature produced on paper. A typographical signature shall be in the form: /s/ Pat L. Smith.

(2) **Nonregistered users.** Any document electronically filed or served through the e-filing system that requires the signature of a person who is not the registered user filing or serving the document shall bear the typed name, along with the facsimile or typographical signature, of the person. The typographical or facsimile signature of a nonregistered user shall be considered the functional equivalent of an original, handwritten signature produced on paper. A typographical signature shall be in the form: /s/ Pat L. Smith.

C. **Notary signature, stamp.** Unless specifically required by court rule, all documents, including affidavits, electronically filed or served through the e-filing system are not required to be notarized. When a signature under penalty of perjury is otherwise required, the provisions of item D apply. A document electronically filed or served through the e-filing system that by court rule specifically requires a signature of a notary public shall be deemed signed by the notary public if, before filing or service, the notary public has signed a printed or electronic form of the document and the electronically filed or served document bears a facsimile or typographical notary signature and stamp.

D. **Perjury penalty acknowledgment.** A document electronically filed or served through the e-filing system that requires a signature under penalty of perjury may, with the same force and effect and in lieu of an oath, be supported by an unsworn declaration. The typographical or facsimile signature of the declarant must be affixed immediately below a declaration using substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." In addition to the signature, the date of signing and the county and state where the document was signed must be noted on the document.

E. **Certification.** By electronically filing or serving a document through the e-filing system, the registered user certifies compliance with the signature requirements of this part for all signatures on the document, and the signatures on the document are the functional equivalent of original, handwritten signatures produced on paper.

Subp. 8. **Proof of service.** When a document is both e-filed and e-served together using the e-filing system, the records of the e-filing system indicating transmittal to the registered user recipient shall be sufficient proof of service on the recipient for all purposes.

Subp. 9. **Submission of nonpublic information; e-filing system.**

A. **Filer's duty to designate as confidential.** If a registered user electronically files a document that is not accessible to the public in whole or in part under any applicable law, court rule, or court order, the registered user is responsible for designating that document as confidential in the e-filing system before transmitting it to the court. This designation is made in the e-filing system by selecting the box "Request Confidential" and by providing the basis for nonpublic status. A registered user must seek advance approval from the tax court to transmit a document for filing designated as confidential if that document is not already inaccessible to the public under any applicable law, court rule, or court order. The registered user must separate all nonpublic documents from public documents when filing.

B. **Correction of designation by the court.** The tax court may modify the designation of any document

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incorrectly designated as confidential and shall provide prompt notice of any change to the registered user who filed the document.

C. **Filing confidential document in paper form.** A confidential document may be filed in paper form if required or permitted by the tax court. A motion to file a confidential document in paper form must be filed and served electronically.

Subp. 10. **Records: official; supreme court appeal; certified copies.** Both documents filed electronically and paper documents filed conventionally but converted into electronic form by the tax court are official tax court records for all purposes. Certified copies may be issued in the conventional manner or in any manner authorized by law, but no certified copies shall be made of any proposed orders. Unless otherwise provided in this part or by tax court order, a conventionally filed paper document need not be maintained or retained by the tax court after the court digitizes, records, scans, or otherwise reproduces the document into an electronic record, document, or image.

8610.0170 VOLUNTARY ALTERNATIVE DISPUTE RESOLUTION.

Subpart 1. **Application of rule.** Cases pending in the tax court may be submitted, by agreement of all parties to the dispute, to voluntary alternative dispute resolution (“ADR”). The provisions of subparts 2, item B, and 3 apply exclusively to ADR provided by a current judge of the tax court as described in subpart 2, item A, subitem (1).

Subp. 2. **Selection of neutral.**

A. **Selection by parties or by tax court.** If the parties have agreed to voluntary ADR, the parties may elect to proceed either with:

(1) voluntary mediation by a current judge of the tax court who is not assigned to hear their case serving as neutral (“tax court mediation”); or

(2) another ADR process of the parties’ agreement.

The scheduling order may establish a deadline for the completion of the ADR process.

B. **Compensation.** Tax court judges serving as neutrals in tax court mediation consent to the jurisdiction of the ADR Review Board and compliance with the Code of Ethics set forth in the Appendix to Rule 114 of the General Rules of Practice for the District Courts. No current judge of the tax court may receive any form of compensation for serving as a neutral in tax court mediation.

Subp. 3. **Attendance at mediation.**

A. **Privacy.** Tax court mediation is not open to the public except with the consent of all parties.

B. **Attendance.** An individual with the authority to settle the case on behalf of each party must attend tax court mediation, unless otherwise authorized by the tax court. The tax court may require that the attorneys who will try the case attend tax court mediation.

C. **Sanctions.** The tax court may impose sanctions, including attorney fees and costs, for failure to attend scheduled tax court mediation.

Subp. 4. **Confidentiality.**

A. **Evidence; inadmissibility.** As provided by Minnesota Statutes, section 595.02, or without the consent of all parties and an order of the tax court, statements made and documents produced in nonbinding ADR processes, such as mediation under this part that are not otherwise discoverable are not subject to discovery or other disclosure. Such evidence is inadmissible for any purpose at trial, including impeachment.

B. **Records of neutral.** Notes, records, and recollections of the neutral are confidential, which means they may not be disclosed to the parties, the public, or anyone other than the neutral, unless:

(1) all parties and the neutral agree to disclosure, or

(2) disclosure is required by law or other applicable professional codes. No record shall be made without the parties' agreement, except for a memorandum of issues that are resolved.

Subp. 5. Communication with mediator and presiding judge.

A. Tax court mediation. Parties and their counsel may communicate *ex parte* with the neutral in a tax court mediation, so long as the communication relates directly to the substance of the mediation and encourages or facilitates settlement.

B. Communications to presiding judge during mediation. During mediation the presiding judge may be informed only of the following:

(1) the failure of a party or an attorney to comply with the order to attend the process;

(2) any request by the parties for additional time to complete mediation;

(3) with the written consent of the parties, any procedural action by the tax court that would facilitate mediation; and

(4) the neutral's assessment that the case is inappropriate for mediation.

C. Communications to presiding judge after mediation. When mediation has concluded, the presiding judge may be informed only of the following:

(1) if the parties do not reach an agreement on any matter, the neutral must report the lack of an agreement to the presiding judge, including by entry on docket, without comment or recommendation, subject to subitem (3);

(2) if the parties reach an agreement, the final settlement; and

(3) with the written consent of the parties, the neutral's report also may identify any pending motion or outstanding legal issue, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of settlement.

Commissioner's 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*.

Department of Natural Resources

FINDINGS OF FACT AND ORDER: Amending the Commissioner's Designation Order for 56 Scientific and Natural Areas to Require Nontoxic Ammunition While Taking Game in Minnesota Scientific and Natural Areas

DATE: June 27, 2023

Decision: Hunters taking game on any of the fifty-six (56) Scientific and Natural Areas ("SNAs") designated as open to hunting by Commissioner's Order are required to use nontoxic ammunition. ¹

FINDINGS OF FACT & ANALYSIS

Based on the information in the administrative record and on file and retained at the Minnesota Department of Natural Resources' ("DNR") Division of Ecological and Water Resources and as more fully set forth herein, the DNR finds that substantial evidence in the administrative record supports the required use of nontoxic ammunition by persons to take a wild animal on any of the fifty-six (56) SNAs where hunting is allowed by an Order of the Commissioner.

I. History

A. Background

1. The DNR manages approximately 192,000 acres of public land designated as SNAs. These SNAs "are exceptional places where native plants and animals flourish; where rare species are protected; and where we can know, and study, Minnesota's fascinating natural features." (MNDNR Website)
2. The Commissioner, by order in accordance with Minn. Stat. § 84.033, has the authority to designate SNAs and has the authority to manage all activities on designated SNAs in a manner consistent with the purpose of each SNA. Minn. Stat. § 86A.05, subd. 5, and (c) (specifying the Commissioner's management authority). Through the Commissioner's authority to manage SNAs, the DNR has fifty-six (56) SNAs, which are the subject of this order, that are designated as open to hunting. Minn. R. 6136.0550, subp. IC (authorizing the Commissioner, in an SNA designation order, to permit hunting in SNAs).
3. The use of lead ammunition is common in the hunting of both big game and upland game species and results in deposition of lead in the natural environment.
4. Lead, a common toxin found in lead ammunition, is harmful to both humans and wildlife. Gagan, Flora. Deepesh, Gupta & Archana, Tiwari, *Toxicity of lead: a review with recent updates*, 5 *Interdisciplinary Toxicol.* 47 (2012) (discussing human health impacts of lead), Arnemo, Jon *et al.* *Health and Environmental Risks from Lead-based Ammunition: Science Versus Socio-Politics*, 13 *Eco. Health*, 618 (2015) (discussing impact of lead on wildlife and the environment), The Wildlife Society, Fact Sheet: *Effects of Lead (Pb) Exposure on Wildlife* (March 2017) (available at https://wildlife.org/wp-content/uploads/2017/05/FactSheet-Pb_FINAL.pdf) (discussing the impact of lead exposure on wildlife).

¹ Because shot is a subset of ammunition, the term ammunition as used throughout this document refers to both shot and non-shot ammunition.

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B. 2021 Petition to Adopt Rules Requiring the Use of Nontoxic Fishing Tackle and Nontoxic Ammunition.

5. On October 18, 2021, the Commissioner received a Petition to “Adopt[] Rules Requiring Nontoxic Fishing Tackle and Nontoxic Ammunition in MN State Parks and SNAs” (“2021 Petition”) brought by Thomas E. Casey on behalf of the Friends of Minnesota Scientific & Natural Areas (FMSNA) and twenty-two additional organizations (“2021 Petitioners”).²
6. On December 20, 2021, the Commissioner sent a letter decision to Mr. Casey and his clients (“2021 Letter Decision”) which provided that:
 - a. Over the next year, DNR will require the use of nontoxic ammunition at State Parks when it issues permits for special hunts within the boundary of a State Park in accordance with the Commissioner’s authority to issue special event permits. Minn. R. 6100.0550, subp. 1. The Commissioner determined that rulemaking was not necessary to implement these special use permit restrictions.
 - b. The DNR will not require the use of nontoxic ammunition on Minnesota State Park lands that are designated in Minnesota Session Laws as open to hunting but will continue to encourage its use on these lands.
 - c. Over the next year, the DNR will, by Commissioner’s Order, require the use of nontoxic ammunition for hunting on those SNAs that have been acquired and designated by the Commissioner in accordance with the requirements of Minn. Stat. § 84.033 and § 86A.05, subd. 5. Rulemaking is not necessary to control the use of nontoxic ammunition on these SNAs.
 - d. The DNR will continue to encourage the use of nontoxic fishing tackle and will sell and encourage the use of nontoxic tackle at all State Parks.

The 2021 Petitioners did not appeal the 2021 Letter Decision.

II. Law and Analysis

7. SNAs are established and administered to “protect and perpetuate in an undisturbed natural state those natural features which possess exceptional scientific and educational value[s].” Minn. Stat. § 86A.05, subd. 5(a).
8. The Commissioner is required to manage SNAs in a manner consistent with the purpose of the SNA designation and “to preserve, perpetuate and protect from unnatural influences the scientific and educational resources within them.” Minn. Stat. § 86A.05, subd. 5(c).
9. It is unlawful for any person to “destroy, injure, damage, molest or remove any natural resource[]” within an SNA except as authorized by permit or designation order. Minn. R. 6136.0400, subp.2.
10. Ammunition containing lead is toxic to wildlife and humans and is not naturally occurring within SNAs. Toxic ammunition can cause the destruction of, injury to, or molestation of wildlife and the degradation of habitat in an SNA within the meaning of Minn. R. 6136.0400, subp. 1 (prohibiting the destruction, injury, damage, or molestation of the natural resources within the SNA). See ¶¶ 3 and 4.
11. The deposition of toxic ammunition on the lands within SNAs undermines the exceptional scientific and educational values for which these lands were designated as SNAs and the Commissioner’s ability to manage SNAs in a manner consistent with the purpose of the SNA designation - “to preserve, perpetuate and protect from unnatural influences the scientific and educational resources within them.” Minn. Stat. § 86A.05, subd. 5(c).

² FMSNA filed a Petition in 2019 (2019 Petition) that among other things requested that the DNR adopt rules prohibiting the taking of wild animals while possessing or using ammunition containing toxic materials. The DNR denied the 2019 Petition, noting that the requested rule would more appropriately be addressed by the Minnesota Legislature. Although the 2021 Petition was narrower in scope than the 2019 Petition, the 2.02.1 Petition, if granted in its entirety, would “necessitate statute or rule changes that warrant a comprehensive exploration of the full spectrum of such changes.” To grant the 2021 Petition in its entirety would have been contrary to the legislature’s clear indication that it believes a broad ban on lead, such as called for in the 2021 Petition, requires input from a wide array of stakeholders and that the legislature is the appropriate body to consider such a broad ban. 2021 Letter Decision.

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12. The use of nontoxic ammunition to take a wild animal within SNAs will reduce the exposure of wildlife to the toxins contained ammunition and will eliminate the deposition of toxins associated with ammunition within SNAs. *See e.g.* ¶ 3 and 4.
13. Minnesota Statute § 84.033, subd. 1 authorizes the Commissioner to acquire lands “suitable and desirable” for SNAs and further authorizes the Commissioner to designate said land as an SNA by written order published in the State Register. The “[d]esignations of scientific and natural areas are exempt from the rulemaking provisions of chapter 14.” *Id.*
14. Hunting is prohibited on SNAs unless specifically authorized by the Commissioner in a written permit or in the designation order establishing the SNA and its use³ Minn. R. 6136.0550, subp. 1C.
15. The Commissioner has designated, by Commissioner’s order, fifty-six (56) SNAs that are open to firearm hunting. Those SNAs are:
 - a. Antelope Valley SNA (Yellow Medicine County)
 - b. Avon Hills Forest SNA (Steams County)
 - c. Badoura Jack Pine Woodland SNA (Hubbard County)
 - d. Big Island SNA (St. Louis County)
 - e. Black Lake Bog SNA (Pine County)
 - f. Boltuck-Rice Forever Wild SNA (Itasca County)
 - g. Brownsville Bluff SNA (Houston County)
 - h. Caldwell Brook Cedar Swamp SNA (Koochiching County)
 - i. Cannon River Turtle Preserve SNA (Goodhue County)
 - j. Cedar Rock SNA (Redwood County)
 - k. Crystal Springs SNA (Washington County)
 - l. Dinner Creek SNA (Becker County)
 - m. Englund Ecotone SNA (Benton County)
 - n. Felton Prairie SNA (Clay County) (Bicentennial unit)
 - o. Franconia Bluffs SNA (Chisago County)
 - p. Gustafson’s Camp SNA (Lake of the Woods County)
 - q. Hemlock Ravine SNA (Carlton County)
 - r. Hovland Woods SNA (Cook County)
 - s. Iron Springs Bog SNA (Clearwater County)
 - t. Itasca Wilderness Sanctuary SNA (Clearwater County)
 - u. Joseph A. Tauer Prairie SNA (Brown County)
 - v. King’s and Queen’s Bluffs SNA (Winona County)
 - w. La Salle Lake SNA (Hubbard County)
 - x. Ladies Tresses Swamp SNA (Itasca County)
 - y. Lake Alexander Woods SNA (Morrison County)

³ Minnesota Statute 86A.05, subd. 5(d) also authorizes the Commissioner to alter a designation by Commissioner’s order.

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- z. Lester Lake SNA (Hubbard County)
 - aa. Little Too Much Lake SNA (Itasca County)
 - bb. Lost 40 SNA (Itasca County)
 - cc. Lost Lake Peatland SNA (St. Louis County) (portions not legislatively established as Peatland SNAs set forth in Minn. Stat. § 84.035.)
 - dd. Lutsen SNA (Cook County)
 - ee. Maurice O'Link Ribbed Fen SNA (Beltrami County)
 - ff. McGregor Marsh SNA (Aitkin County)
 - gg. Mille Lacs Moraine SNA (Crow Wing County)
 - hh. Mississippi Oxbow SNA (Itasca County)
 - ii. Moose Mountain SNA (St. Louis County)
 - jj. Mound Prairie SNA (Houston County) (Parcel 1 of unit designation order)
 - kk. Mound Spring Prairie SNA (Yellow Medicine County)
 - ll. Myhr Creek Ridge SNA (Cook County)
 - mm. Pine and Curry Island SNA (Lake of the Woods County)
 - nn. Potato Lake SNA (Itasca County)
 - oo. Prairie Coteau SNA (Pipestone County)
 - pp. Prairie Creek Woods SNA (Rice County)
 - qq. Prairie Smoke Dunes SNA (Norman County)
 - rr. River Warren Outcrops SNA (Renville County)
 - ss. Rushford Sand Barrens SNA (Fillmore County)
 - tt. Sand Lake Peatland SNA (Lake County) (portions not legislatively established as Peatland SNAs set forth in Minn. Stat. § 84.035.)
 - uu. Santee Prairie SNA (Mahnommen County)
 - vv. Savage Fen SNA (Scott County)
 - ww. Spring Beauty Northern Hardwoods SNA (Cook County)
 - xx. St. Wendel Tamarack Bog SNA (Steams County)
 - yy. Two Rivers Aspen Parkland SNA (Roseau County)
 - zz. Uncas Dunes SNA (Sherburne County)
 - aaa. Wabu Woods SNA (Itasca County)
 - bbb. Watrous Island SNA (Koochiching County)
 - ccc. Yellow Bank Hills SNA (Lac qui Parle County)
 - ddd. Zumbro Falls Woods SNA (Wabasha County)
16. Minnesota Statute §86A.05, subd. 5(d) precludes the Commissioner from altering a designation or use of a SNA without notice and hearing.
17. Each of the fifty-six (56) SNAs that are identified in Paragraph 16 have a designated use that permits hunting. This designated use is not altered by this order. This order limits the type of ammunition that can be used

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within an SNA to take a wild animal (i.e., the method of take).

18. The term “take” as used in this order is as defined in Minn. Stat. § 97A.015, subd. 47 (defining taking) and includes pursuing a wild animal or attempting to take a wild animal.
19. The Minnesota legislature established eighteen (18) peatlands as Peatland SNAs. Minn. Stat. § 84.036. Hunting is allowed on all Peatland SNAs designated by the legislature. Minn. Stat. § 84.035, subd. 5.b. The Commissioner’s authority to designate Peatland SNAs is limited to parcels of land within a legislatively designated Peatland SNA. Minn. Stat. § 84.035, subd. 10. Lands acquired under subdivision 10(b) are required to be managed as peatland under Minn. Stat. § 84.035, subd. 5(b), legislatively designating Peatland SNAs as open to hunting. Because the management of these lands is set by statute, the Commissioner has no legal authority to modify the use of these lands by Commissioner’s Order.
20. Minnesota is the home to eleven federally recognized tribes: the Bois Forte Band of Chippewa, the Fond du Lac Band of Lake Superior Chippewa, the Grand Portage Band of Lake Superior Chippewa, the Leech Lake Band of Ojibwe, the Lower Sioux Indian Community, the Mille Lacs Band of Ojibwe, the Prairie Island Indian Community, the Red Lake Nation, the Shakopee Mdewakanton Sioux Community, the Upper Sioux Community, and the White Earth Nation.
21. The state has no jurisdiction over tribal members taking a wild animal within the boundary of a reservation. *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324, 331- 33 n. 15 (1983). Nor may the state limit the method of tribal harvest within a ceded territory in which a tribe has retain off reservation hunting, fishing, and gathering rights. *Puyallup Tribe v. Department of Washington*, 391 U.S. 392, 398-99 (1968). Tribal members must, however, comply with the applicable tribal code. *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324, 331-33 n. 15 (1983).

Conclusions

1. As set forth in ¶¶ 3 and 4, the use of lead ammunition to take a wild animal may be toxic to wildlife, wildlife habitat, and humans.
2. As set forth in ¶¶ 3 and 4, the use of lead ammunition to take a wild animal within SNAs undermines the purpose for which the lands were designated as SNAs and the Commissioner’s ability to manage SNAs in accordance with the requirements of Minn. Stat. § 86A.05, subd. 5.
3. As set forth in ¶¶ 3 and 4, the use of lead ammunition to take a wild animal within an SNA may lead to the destruction, injury, damage, or molestation of the natural resources within the SNA in contravention of the requirements of Minn. R. 6136.0400, subp.1.
4. As set forth in ¶¶ 3 and 4, the elimination of the use of lead ammunition while taking a wild animal within SNAs will reduce the exposure of wildlife and humans to toxins contained in that ammunition and the deposition of toxins within SNAs.
5. As set forth in ¶¶ 2 and 13, the Commissioner has the authority to acquire land for SNAs, to establish SNAs and to designate the use of SNAs.
6. As set forth in ¶¶ 2 and 15, the Commissioner has, by Commissioner’s order, established fifty-six (56) SNAs that include a designated use of hunting. *Id.*
7. As set forth in ¶ 17, an order requiring the use of nontoxic ammunition to take a wild animal within an SNA is a change in the method of take, not a change in designation and, therefore, a public hearing is not required prior to the adoption of an order altering the method of take in an SNA.
8. As set forth in ¶ 19, the Commissioner has no legal authority to issue Commissioner’s orders covering all lands

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within a Peatland SNA designated by the legislature and, therefore, has no authority to regulate the method of take within all Peatland SNAs.

9. As set forth in , ¶ 21, the Commissioner has no legal authority to manage the take of wild animals by tribal members within the boundaries of a reservation and, therefore, has no legal authority to regulate the method of tribal take in SNAs within the boundaries of a reservation or on property held in trust for a tribe.
10. As set forth in , ¶ 21, to the extent that a tribe has retained hunting, fishing, and gathering rights within a ceded territory, the Commissioner has very limited authority to regulate the method of the take of wild animals by tribal members in SNAs within the ceded territory. Said tribal members are subject to the harvest code adopted by the band retaining off reservation rights.
11. Any “findings of fact” that might properly be termed “conclusions” and any “conclusion” that might properly be termed “findings of fact” are hereby adopted as such.

Order

Based on the substantial evidence in the administrative record on file at the DNR and the factual and legal findings contained herein, the Commissioner makes the following ORDER:

1. Effective immediately upon publication of this Order in the State Register, the possession of lead ammunition or discharge of a firearm loaded with lead ammunition in any of the fifty-six (56) SNAs listed below is prohibited.
 - a. Antelope Valley SNA (Yellow Medicine County)
 - b. Avon Hills Forest SNA (Stearns County)
 - c. Badoura Jack Pine Woodland SNA (Hubbard County)
 - d. Big Island SNA (St. Louis County)
 - e. Black Lake Bog SNA (Pine County)
 - f. Boltuck-Rice Forever Wild SNA (Itasca County)
 - g. Brownsville Bluff SNA (Houston County)
 - h. Caldwell Brook Cedar Swamp SNA (Koochiching County)
 - i. Cannon River Turtle Preserve SNA (Goodhue County)
 - j. Cedar Rock SNA (Redwood County)
 - k. Crystal Springs SNA (Washington County)
 - l. Dinner Creek SNA (Becker County)
 - m. Englund Ecotone SNA (Benton County)
 - n. Felton Prairie SNA (Clay County) (Bicentennial unit)
 - o. Franconia Bluffs SNA (Chisago County)
 - p. Gustafson's Camp SNA (Lake of the Woods County)
 - q. Hemlock Ravine SNA (Carlton County)
 - r. Hovland Woods SNA (Cook County)
 - s. Iron Springs Bog SNA (Clearwater County)
 - t. Itasca Wilderness Sanctuary SNA (Clearwater County)

Commissioner's Orders

- u. Joseph A. Tauer Prairie SNA (Brown County)
- v. King's and Queen's Bluffs SNA (Winona County)
- w. La Salle Lake SNA (Hubbard County)
- x. Ladies Tresses Swamp SNA (Itasca County)
- y. Lake Alexander Woods SNA (Morrison County)
- z. Lester Lake SNA (Hubbard County)
- aa. Little Too Much Lake SNA (Itasca County)
- bb. Lost 40 SNA (Itasca County)
- cc. Lost Lake Peatland SNA (St. Louis County) (portions not legislatively established as Peatland SNAs set forth in Minn. Stat. § 84.035.)
- dd. Lutsen SNA (Cook County)
- ee. Maurice O'Link Ribbed Fen SNA (Beltrami County)
- ff. McGregor Marsh SNA (Aitkin County)
- gg. Mille Lacs Moraine SNA (Crow Wing County)
- hh. Mississippi Oxbow SNA (Itasca County)
- ii. Moose Mountain SNA (St. Louis County)
- jj. Mound Prairie SNA (Houston County) (Parcel 1 of unit designation order)
- kk. Mound Spring Prairie SNA (Yellow Medicine County)
- ll. Myhr Creek Ridge SNA (Cook County)
- mm. Pine and Curry Island SNA (Lake of the Woods County)
- nn. Potato Lake SNA (Itasca County)
- oo. Prairie Coteau SNA (Pipestone County)
- pp. Prairie Creek Woods SNA (Rice County)
- qq. Prairie Smoke Dunes SNA (Norman County)
- rr. River Warren Outcrops SNA (Renville County)
- ss. Rushford Sand Barrens SNA (Fillmore County)
- tt. Sand Lake Peatland SNA (Lake County) (portions not legislatively established as Peatland NAs set forth in Minn. Stat. § 84.035.)
- uu. Santee Prairie SNA (Mahnommen County)
- vv. Savage Fen SNA (Scott County)
- ww. Spring Beauty Northern Hardwoods SNA (Cook County)
- xx. St. Wendel Tamarack Bog SNA (Steams County)
- yy. Two Rivers Aspen Parkland SNA (Roseau County)
- zz. Uncas Dunes SNA (Sherburne County)
- aaa. Wabu Woods SNA (Itasca County)
- bbb. Watrous Island SNA (Koochiching County)
- ccc. Yellow Bank Hills SNA (Lac qui Parle County)

Commissioner's Orders

ddd. Zumbro Falls Woods SNA (Wabasha County)

2. For the purposes of this order, nontoxic ammunition is defined as bullets, slugs, muzzleloader ammunition, shot, and other single projectiles made entirely of nontoxic material approved by the U.S. Fish and Wildlife Service. See <https://www.fws.gov/story/2022-04/nontoxic-shot-regulations-hunting-waterfowl-and-coots-us>.
3. This Order does not apply to any of the eighteen (18) legislatively established Peatland SNAs set forth in Minn. Stat. § 84.035.
4. This Order does not apply to tribal members taking game in SNAs located within the boundary of their reservation or on property held in trust for a tribe nor does it apply to tribal members taking game in SNAs located outside of the boundary of their reservation or property held in trust but within a ceded territory in which the tribe has retained hunting, fishing, or gathering rights in the territory ceded by that tribe.

Approved and adopted this 27th day of June, 2023.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

By: Sarah Strommen
Commissioner
Commissioner 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.

Department of Administration

Notice of Comment Period for the State Office Building Renovation Environmental Assessment Worksheet Review

The following EAW has a comment deadline of July 27, 2023

**Project Title: Upgrade for Health and Life Safety at State Office Building, Capitol Complex (MN SOB)
– Saint Paul, MN**

The Minnesota Department of Administration is accepting public comments until **July 27, 2023**, on an environmental assessment worksheet (EAW) that was prepared for the Upgrade for Health and Life-Safety at the State Office Building, Capitol Complex project. The project is proposed on approximately **7.05** acres of land on the Capitol Mall complex in Saint Paul, Ramsey County, MN. The project address is 100 Dr Martin Luther King Boulevard, and the project area is southeast of the intersection of University Avenue and Rice Street. The project will include the renovation of the existing State Office Building with an addition on the north side. Realignment of the main public entry with ADA parking and drop-off drives. Site development will include installation of underground utilities, grading, site walkway paving, site restoration, landscaping and stormwater management practices.

Official Notices

To obtain a copy of the EAW for public review, go to the Office of State Procurement front desk counter window in the lobby of the Administration Building located at 50 Sherburne Avenue, St. Paul, MN 55155. The EAW can be viewed in the sitting area of the lobby. The counter window is open 7:30 am and 4:00 pm, M-F, except holidays.

The EAW will be published in the **June 27, 2023**, EQB Monitor. Public comments on the EAW will be accepted during the 30-day public review period from **June 27, 2023-July 27, 2023**. Comments may be submitted in writing to the attention of **Eric Radel**, Construction Operations Manager, Minnesota Department of Administration, Real Estate and Construction Services, 50 Sherburne Avenue, Rm 309, St. Paul, MN 55155. E-mail comments may also be sent to eric.radel@state.mn.us with "MN SOB EAW" in the subject line. If submitting comments, please include your name and email address or mailing address.

Department of Commerce

Notice of Public Hearing – Low Income Home Energy Assistance Program Draft FFY2024 State Plan

Date: Friday, July 14, 2023

Time: 1:00 pm

Location: Microsoft Teams Meeting

Register: [Public Hearing Registration Link](#)

Background

The draft FFY2024 Low Income Home Energy Assistance Program (LIHEAP) State Plan describes how federal LIHEAP funds will be used to help low-income households reduce their energy burdens.

Commerce uses comments received at the public hearing and during the comment period to develop the final state plan.

Visit <https://mn.gov/commerce/energy/industry-government/service-providers/energy-assistance/> to read the draft state plan and proposed changes.

Public Hearing Information

- The public hearing starts on time and continues until all attendees have an opportunity to offer comments and ask questions, or until 2:00pm, whichever comes first
- You may join the Webex meeting up to 10 minutes early
- Minnesota Department of Commerce staff run the hearing and are available to answer questions
- You may share verbal comments at the hearing or you may submit written comments as described below

Submit Comments

Please share your comments about the FFY2024 State Plan and about Minnesota's Energy Assistance Program (EAP). We are especially interested in these topics.

- EAP serves 25% of the estimated income eligible population. What prevents some people from applying, even when their incomes are low enough to be eligible for Energy Assistance?
- What part of applying for Energy Assistance is most difficult? If you could change one thing about the application process, what would it be?
- Are Energy Assistance applications readily available in your community and/or easy to get? What is the easiest way to get one? What is one thing that would make getting an application easier?

- Any additional comments about Minnesota's EAP?

Comment Period: Open through **Friday, July 28, 2023 at 4:30pm**

Online: <https://mn.gov/commerce/energy/industry-government/service-providers/energy-assistance/>

Email: eap.mail@state.mn.us

U.S. Mail: Michael Schmitz, Director
Office of Energy Assistance Programs
Minnesota Department of Commerce
85 7th Place East, Suite 280
St Paul MN 55101-2198

Fax: 651-539-0109

Important: Comments are publicly available, except in limited circumstances, consistent with the Minnesota Government Data Practices Act.

If any reasonable accommodation is needed to enable you to fully participate in the public hearing (e.g., sign language or large print materials), please contact 651-539-0109 at least one week in advance of the hearing.

This document can be made available in alternative formats (e.g., large print or audio) by calling 651-539-1809 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

Department of Human Services

Direct Care and Treatment

Public Notices of the Disproportionate Population Adjustment and Proposed/Final Payment Rates for State Operated Treatment Centers

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of proposed/final changes concerning the disproportionate population adjustment (DPA) and the payment rates for State Operated Treatment Centers under the MA Program. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed/final payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the current state fiscal year's budget for Direct Care and Treatment, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

Effective for admissions occurring during State Fiscal Year 2024 (July 1, 2023 through June 30, 2024), the inpatient payment rate for the Anoka Metro Regional Treatment Center and the Child and Adolescent Behavioral Health Hospital may be adjusted by 44.81 and 36.73 percent respectively.

The following MA payment rates are based on existing state law and current funded bed capacity and shall be effective August 1, 2023.

Mental Health Services

Anoka-Metro Regional Treatment Center	\$2,106
Child and Adolescent Behavioral Health Hospital	\$3,496
Community Behavioral Health Hospitals	\$1,818

Official Notices

Please refer to the Department of Human Services Bulletins for information on rates for Forensic Services and the Minnesota Sex Offender Program.

Questions and comments may be directed to Lynn Glancey, Minnesota Department of Human Services, Direct Care and Treatment Services, 444 Lafayette Road North, St. Paul, MN 55155-0979, **Phone** (651) 431-3690 or **Email:** Lynn.Glancey@state.mn.us.

State Grants & Loans

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

SEE ALSO: Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>

Department of Human Services

Contracts and Legal Compliance Division

Notice of Changes to Grant Request for Proposal noticing in the State Register for the Department of Human Services

The Minnesota Department of Human Services (DHS) will no longer publish individual grant RFP notices to the State Register effective March 27, 2023. The RFPs and RFIs can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) website: <https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

The RFPs and RFIs do not obligate the State to complete the work contemplated in the respective notices. The State reserves the right to cancel solicitations. All expenses incurred in responding to the RFPs and RFIs are solely the responsibility of the responder.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at <https://mn.gov/admin/osp> 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 Office of State Procurement strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised; \$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.

Contact the Office of State Procurement at: (651) 296-2600

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Armstrong Hall Replacement, Mankato (SDSB Project # 23-09)

The State of Minnesota, acting through Minnesota State through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at <https://mn.gov/admin/government/construction-projects/sdsb/projects/> (click SDSB Project #23-09).

A **mandatory** informational meeting will be held on **Tuesday, July 18, 2023** at **9:00 AM CT** at the **Minnesota State University, Mankato campus in Morris Hall Room 102**. Attendance will be taken and posted on the University Purchasing web site (<https://admin.mnsu.edu/facilities-management/facilities-services/facilities-purchasing/>). Parking is available in Lot 20 located at the intersection of Stadium Road and Warren Street or the Visitors Pay Lot (Lot 4) located at the intersection of Ellis Avenue and South Road. There will be an opportunity for a self-guided tour of the proposed project areas after the meeting.

Any questions should be directed to Mr. Nathan Huettl, Director of Planning & construction at nathan.huettl@mnsu.edu. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **July 21, 2023**, no later than **4:00 p.m.** Central Time.

Proposals must be delivered to SDSB.Proposals.ADM@state.mn.us not later than **Monday, July 31, 2023, by 12:00 noon CT**. Late responses will not be considered.

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

Minnesota State Colleges and Universities (Minnesota State) Notice of Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for contract opportunities, goods/commodities and related services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

State Contracts

If you have any questions regarding this notice or are having problems viewing the information on the Vendor and Supplier Opportunities website, please email the Minnesota State Procurement Unit at Sourcing@MinnState.edu.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

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

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

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

MnDOT Consultant Services website: www.dot.state.mn.us/consult

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

Minnesota Zoo

Request for Proposals for Brand Marketing Strategy and Creative Services Agency

PROJECT NAME: Brand Marketing Strategy and Creative Services Agency

DETAILS: The Minnesota Zoological Garden (Zoo) is requesting proposals from marketing agencies for the purposes of advising and shaping its brand marketing strategy and serving as its creative services agency. The selected contractor will be responsible for:

- Developing the strategy, timeline and metrics of success associated with the brand broadening goals.
- Developing a brand marketing strategy that is inclusive of the Zoo's mission and shifts from a primary focus on seasonal event-themed campaigns to a strategy that prioritizes building future (year-round) attendance and membership pipelines.
- Developing a comprehensive marketing strategy that focuses on growing key performance indicators including: overall brand awareness, transactional sales, gate admissions, memberships, gift cards, donations, event attendance, registration of camps and educational programs.
- Creation of an ongoing market research plan, including execution of plan and analysis.
- Developing a visitor marketing strategy that increases attendance to the Zoo from Minnesotans living in greater Minnesota.
- Creating and executing up to twelve (12) major creative campaigns per year.
- Being a strategic thought partner of the Zoo, supporting the Zoo with ideas, best practices, trends, research data, access and insight on industry benchmarking and marketing intelligence.

Work is anticipated to start November 1, 2023.

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

Lisa Fay, Contracts Coordinator
Minnesota Zoological Garden
lisa.fay@state.mn.us

PROPOSAL DEADLINE: Proposals in response to the Request for Proposals in this advertisement must be received by email not later than **3:00 PM, Central Time, July 31, 2023. Late proposals will not be considered.** Printed/fax/mailed proposals will not be considered.

This request does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest. All costs incurred in responding to this solicitation will be borne by the responder.

Minnesota Zoo Request for Proposals for Media Planning and Buying Services

PROJECT NAME: Media Planning and Buying Services

DETAILS: The Minnesota Zoological Garden (Zoo) is requesting proposals from media planning and buying agencies for the purposes of growing brand awareness, driving daily admissions, event ticket sales, membership and additional ancillary earned income. The requested services include planning and buying for an integrated media mix in local and regional/multi-state markets. The selected contractor will be responsible for:

- Developing the media planning and buying strategy, timeline, and metrics of success associated with the brand broadening goals.
- Developing a media buying strategy that is inclusive of the Zoo's mission and supports shifting from a primary focus on seasonal event-themed campaigns to a strategy that prioritizes building future (year-round) attendance and membership pipelines.
- Developing an integrated media strategy that focuses on growing key performance indicators including brand awareness, transactional sales, gate admissions, memberships, gift cards, donations, event attendance, registration of camps and educational programs.
- Developing a visitor marketing media strategy that increases attendance to the Zoo from Minnesotans living in greater Minnesota and from audiences in the regional/multi-state area.
- Creating and executing media buys for up to twelve (12) major creative campaigns per year in addition to "always on" digital marketing strategy to drive gate attendance and membership.
- Building and maintaining a comprehensive integrated campaign asset calendar, acting as the primary ad/campaign trafficking agent between the Zoo and paid/in kind media vendors.
- Building and maintaining a comprehensive tracking system to reflect campaign spend by media per campaign, associating and monitoring Zoo purchase order spends to budget allocations per campaign.
- Compiling digital performance and other sales conversion data and provide results in dashboard or other agreed upon reporting format.
- Being a strategic thought partner of the Zoo, supporting the Zoo with ideas, best practices, trends, research data, access and insight on industry benchmarking and marketing intelligence.

State Contracts

Work is anticipated to start November 1, 2023.

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

Lisa Fay, Contracts Coordinator
Minnesota Zoological Garden
lisa.fay@state.mn.us

PROPOSAL DEADLINE: Proposals in response to the Request for Proposals in this advertisement must be received by email not later than **3:00 PM, Central Time, July 31, 2023. Late proposals will not be considered.** Printed/fax/mailed proposals will not be considered.

This request does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest. All costs incurred in responding to this solicitation will be borne by the responder.

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: <https://mn.gov/admin/osp> as well as the Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>.

Hennepin County Designer Selection Committee Request for Proposals for Architectural and Engineering Services

Hennepin County, through its Designer Selection Committee, will be selecting architectural / engineering firms for design and construction administration services for the Family Courts Relocation project.

To obtain a Request for Proposal, please follow the link below and navigate to Hennepin County's Supplier Portal. In the Supplier Portal, you will be able to download the RFP and all attachments as well as submit your proposal.

https://supplier.hennepin.us/psc/fprd/SUPPLIER/ERP/c/NUI_FRAMEWORK.PT_LANDINGPAGE.GBL

A letter of interest is not required for RFP noted above. All proposals received by the deadline noted in the RFP will be reviewed by the Designer Selection Committee. If you experience difficulty locating or downloading the RFP, please contact Hennepin County Purchasing and Contract Services at 612-348-3181.

— Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2023 T2 Concessions Development

Airport Location: Minneapolis-St. Paul International Airport
Project Name: 2023 T2 Concessions Development
MAC Contract No.: 106-3-667
Bids Close At: 2:00 PM on July 18, 2023
Bid Opening Conference Call: 3:00 PM on July 18, 2023
Teleconference Dial In #: 1-612-405-6798
Conference ID #: 681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via QuestCDN <https://questcdn.com/> until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 8%.

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 available for inspection at the QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at <https://www.questcdn.com>. Bidders may download the complete set of digital documents for \$15.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8569550 in the “Search Projects” page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on July 3, 2023, at MAC’s web address of <https://metroairports.org/doing-business/solicitations> (construction bids).



**GO WHERE YOU WANT.
HAVE THE STATE REGISTER
SENT TO YOU.
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