

MINNESOTA STATE REGISTER

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Minnesota State Register

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

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

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- Withdrawn Rules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

Printing Schedule and Submission Deadlines

Vol. 49 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)
#22	Monday 25 November	Noon Tuesday 19 November	Noon Thursday 14 November
#23	Monday 2 December	Noon MONDAY 25 November	Noon Thursday 21 November
#24	Monday 9 December	Noon Tuesday 3 December	Noon Thursday 28 November
#25	Monday 16 December	Noon Tuesday 10 December	Noon Thursday 5 December

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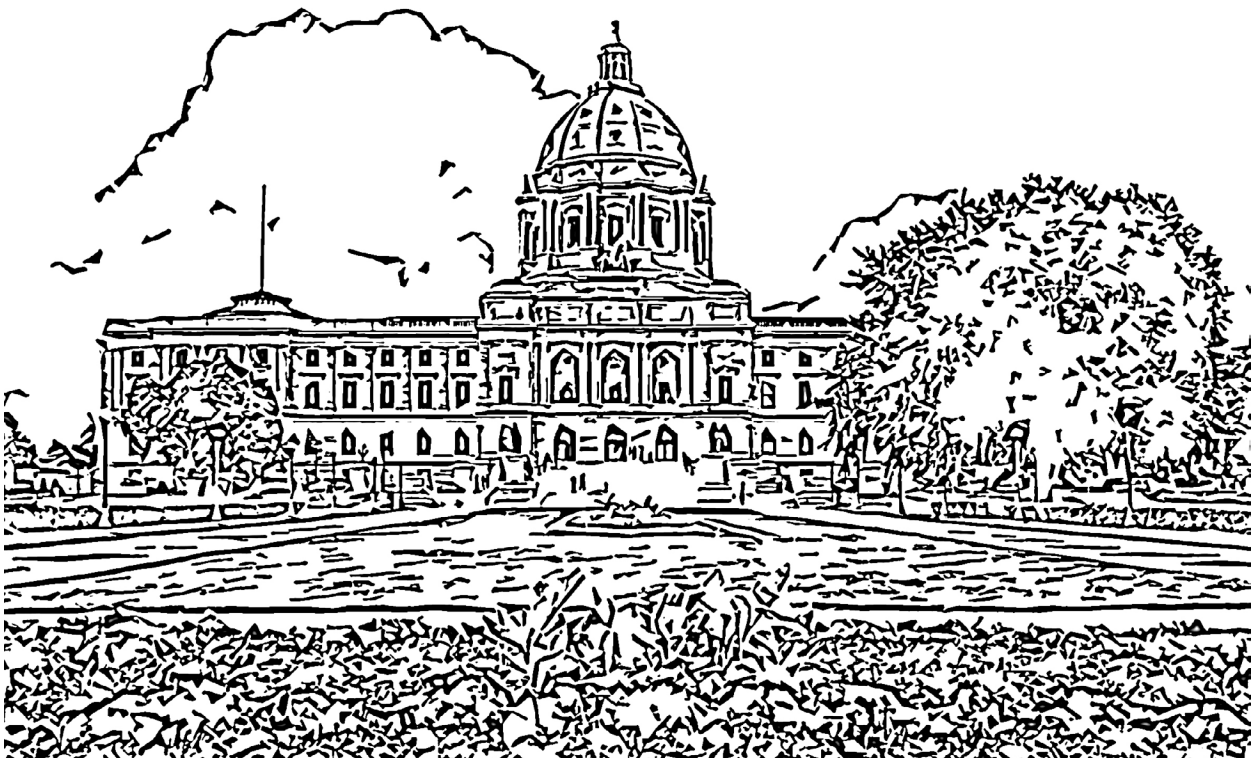
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Front Cover Artwork: *The downtown Saint Paul skyline shows off on a crisp fall day as the Green Line train rolls by State of Minnesota buildings.*
Photo by Sean Plemmons



Minnesota Rules: Amendments and Additions

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

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

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

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

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

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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 Department of Health

Environmental Health Division

Proposed Amendments and Repeal of Rules Governing Radiation Safety; Notice Of Intent To Adopt Rules Without A Public Hearing

Proposed Amendments and Repeal of Rules Governing Radiation Safety, Minnesota Rules, Chapter 4731; Revisor’s ID Number RD-4793; OAH 21-9000-40152

Introduction.

The Department of Health (MDH) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings (OAH), Minnesota Rules, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28. The specific rule parts to be amended are 4731.0590; 4731.3395; 4731.4413; 4731.4414; 4731.8025; and 4731.8140, The rule part to be repealed is 4731.2705, subpart 9.

Subject of Rules and Statutory Authority.

Minnesota Statutes, sections 144.1202 and 144.1203, authorize MDH to adopt rules that allow the state to assume regulatory authority under an agreement with the U.S. Nuclear Regulatory Commission (NRC), including licensing and regulation of radioactive materials, and to ensure that individuals handling or using radioactive materials have proper training and qualifications.

Proposed Rules

Minnesota Rules, Chapter 4731, which the proposed rules are amending, is where the rules adopted pursuant to this statutory authority are contained. MDH proposes to amend this chapter, as noted above, to reflect NRC's recent regulation changes. The proposed changes conform MDH's rules to NRC-mandated regulations. The proposed changes also include revisions to clarify existing requirements and to correct editorial issues. The current rule can be accessed at <https://www.revisor.mn.gov/rules/4731/>. A free copy of the rule is also available upon request from the agency contact person listed below.

MDH proposes to revise chapter 4731 as follows:

- In 4731.0590, subpart 2, MDH is updating a reference to the United States Code regarding the filing of a voluntary or involuntary petition for bankruptcy under any chapter of United States Code, title 11.
- In 4731.2705, subpart 9, MDH is repealing an outdated reporting requirement.
- In 4731.3395, MDH is updating a reference to the United States Code of Federal Regulations by replacing section "207.20(a)" with "207.17(a)" as directed by NRC.
- In 4731.4413, subpart 2, MDH is updating the name change of the American Council on Pharmaceutical Education to the Accreditation Council for Pharmacy Education (ACPE).
- In 4731.4414, item E, MDH is amending the phrase "or a permit issued by a Commission master material license of broad scope on or before October 24, 2005," to "*or a permit issued in accordance with a Commission master material broad scope license on or before October 24, 2005,*". The department is also amending 12 instances where the modifier "on or" was omitted in reference to dates in which certain licensed professionals had to obtain their licensure were exempt from additional training requirements.
- In part 4731.8025, subpart 3, MDH is updating the mailstop number where licensees must submit their fingerprinting information for background checks.
- Finally, in part 4731.8140, subpart 2, MDH is revising the mathematical formula to correct a sum of fractions formula. An ellipsis and a plus sign are added at the appropriate locations, and the summation sign (sigma) and brackets are deleted as they are unnecessary.

Proposed Rule Revision Language and Statement of Need and Reasonableness.

The rule amendments and the Statement of Need and Reasonableness (SONAR) can be reviewed at <https://www.health.state.mn.us/communities/environment/radiation/monitor/rule/index.html>.

The SONAR contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person.

Agency Contact Person.

You may submit questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is:

Brandon Juran
Minnesota Department of Health
P.O. Box 64975
St. Paul, MN 55164-0975
Phone: (651) 201-4526
Fax: (651) 201-4606
brandon.juran@state.mn.us

Proposed Rules

Comments.

MDH encourages comment. You have until 4:30 p.m. on December 19, 2024, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. You must submit all written comments via the **OAH Rulemaking e-comments website** (<https://minnesotaoah.granicusideas.com>), where you may also review the proposed rule and SONAR. Your comments must be in writing. Your comments should identify the portion of the proposed rules 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 must also be made during this comment period.

Request for a Hearing.

In addition to submitting comments, you may also request that MDH hold a hearing on the rules. Your request must be in writing, and the agency contact person must receive it by 4:30 p.m. on December 19, 2024. Your written request for a public hearing must include your name and address. You must identify the portion or portions of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and MDH cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests.

If 25 or more persons submit a valid written request for a hearing, MDH 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 agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

Alternative Format.

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

Modifications.

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

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 1-800-657-3889.

Adoption and Review of Rules.

If no hearing is required, MDH may adopt the rules after the end of the comment period. MDH will then submit the rules and supporting documents to OAH for review for legality. You may ask to be notified of the date MDH submits the rules to OAH. If you want to be so notified, receive a copy of the adopted rules, or register with MDH to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: October 30, 2024

Wendy Underwood
Deputy Commissioner
Department of Health

Adopted Rules

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

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

Minnesota Department of Revenue

Adopted Permanent Amendments to Rules Regarding Petroleum Taxes; Refunds for Power Take-off Units or Auxiliary Engines

The rules proposed and published at State Register, Volume 49, Number 4, pages 72-76, July 22, 2024 (49 SR 72), are adopted as proposed.

Expedited Rules

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

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

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

Department of Labor and Industry

Adopted Expedited Permanent Rules Regulating Adult Changing Stations

The rules proposed and published at State Register, Volume 48, Number 46, pages 1033-1040, May 13, 2024 (48 SR 1033), are adopted with the following modifications:

1341.0011 IBC CHAPTER 11.

Subp. 8. IBC section 1109, Other features and facilities.

D. Section 1109.2 is amended to add a section to read as follows:

1109.2.4 Adult-sized changing stations. Where provided, adult changing stations shall be accessible. Where

Expedited Rules

required, adult changing stations shall be accessible and shall comply with sections 1109.2.4.1 through 1109.2.4.4.

1109.2.4.1 Where required. At least one adult changing station shall be provided in all of the following locations:

1. In assembly and mercantile occupancies, where an aggregate of six or more male and female water closets are required. In buildings of mixed occupancy, only those water closets required for the assembly and mercantile occupancies shall be used to determine the adult changing station requirement.
2. In Group B occupancies providing educational facilities for students above the 12th grade, where an aggregate of twelve or more male and female water closets are required to serve the classrooms and lecture halls.
3. In Group E occupancies, where a room or space used for assembly purposes requires an aggregate of six or more male and female water closets for that room or space.
4. In Minnesota Department of Transportation rest areas provided with plumbing and electricity at toileting locations.
5. State park campgrounds provided with plumbing and electricity at toileting locations.
6. State park visitor centers provided with plumbing and electricity at toileting locations.
7. In hospitals and ambulatory care facilities, where an aggregate of six or more male and female water closets are required.
8. In Group B outpatient clinics, where an aggregate of six or more male and female water closets are required.

1109.2.4.2 Room. Adult changing stations shall be located in single-user toilet rooms that include only one water closet and only one lavatory. Fixtures located in such rooms shall be included in determining the number of fixtures provided in an occupancy. The occupants shall have access to the required adult changing station at all times that the associated occupancy is occupied.

Exception: Adult changing stations shall be permitted to be located in family or assisted-use toilet rooms required in Section 1109.2.1.

1109.2.4.3 Prohibited location. The accessible route from public and employee toilet rooms required by Minnesota Rules, chapter 1305, to an accessible adult changing station shall not require travel through security checkpoints.

1109.2.4.4 Travel distance. The adult changing station shall be located on an accessible route and the path of travel to the facility shall not exceed 1000 feet.

Exception: In Group A-4 and A-5 occupancies the path of travel shall not exceed 2,000 feet.

Expedited Rules

Department of Natural Resources

Division of Fish and Wildlife

Proposed Expedited Rules: Electronic Licensing System; Notice Of Intent To Adopt Expedited Rules Without A Public Hearing

Proposed Amendment to Rules Governing Electronic License System, Minnesota Rules, parts 6100, 6213, 6232, 6234, 6236, 6237, 6262, 6264, and 6266; Revisor's File Number R-4886

Introduction. The Department of Natural Resources (DNR) intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until Thursday, December 26, 2024.

Agency Contact Person. Submit comments, questions, or a request for hearing on the rules to Jason Abraham, Season Management Specialist, at Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155, telephone 651-259-5197, or email jason.abraham@state.mn.us.

Subject of the Expedited Rules. A modern Department of Natural Resources electronic licensing system (ELS) is currently under development and will launch on March 4, 2025. Technical changes are needed to align administrative rule with statutory changes made in 2024 in support of the new ELS. The rule changes support improvements to customer experience when purchasing a hunting or fishing license, registering or titling a recreational vehicle, or registering for a training course. The changes will not affect resource management.

6100.5002 SPECIAL PERMITS

- Modifies a requirement that non-residents display a state permit on their snowmobile when participating in organized outings in Minnesota. This change creates consistency with changes to statute that eliminate physical licenses and tags on snowmobiles and instead require the user to possess an electronic or printed paper license. The change does not eliminate the requirement for non-residents to obtain and possess the permit.

6213.0100 DEFINITIONS

- Updates the definition of electronic license system to include agents, who are authorized to sell electronic licenses and registrations at business locations.

6213.0400 TERMS OF AGENT CONTRACT

- Repeals requirements that agents who are authorized to sell licenses provide access to electrical outlets and pay a \$500 deposit to possess equipment to sell licenses. Adds a requirement for agents to provide a location that protects the sale of electronic licenses from unauthorized use and any associated materials from damage. Statute no longer requires agents to possess or maintain electronic equipment provided by the state to sell DNR licenses. Agents who sell licenses at a business location will provide a standard computer or electronic device for those transactions.

6213.0500 SALE OF ELECTRONIC LICENSES

- Requires agents to sell licenses only at the location identified in their contract with the DNR. Agents are responsible for completing electronic transactions for each license sold at their business, but the equipment used to sell licenses could be portable (like a laptop or tablet). Requiring that license sales take place at the location listed in the contract prevents the possibility of sales taking place away from their business location. Changes also eliminate requirements to physically sign applications. Physical signatures are no longer required by statute.

6232.0200 DEFINITIONS

- Eliminates requirement to attach physical tags to deer taken under a bonus permit or in earn-a-buck hunts. Statute no longer requires physical tags to be attached.

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER

- Modifies references to tagging, notching, and affixing deer licenses and tags. Statute no longer requires the use of physical licenses and tags. People who hunt and harvest deer will still be required to validate licenses and register deer, with options for electronic or printed paper licenses.

6232.0400 REGISTRATION OF DEER.

- Modifies references to tagging and presenting harvested deer and obtaining big game possession tags. Statute no longer requires physical licenses and tags.

6232.0500 DEER LICENSES FOR MILITARY PERSONNEL

- Modifies references to tags, special agents, and printed information. Statute allows people in the military and veterans with disabilities to obtain a license online or at any agent location, with options for an electronic or printed paper license.

6232.0900 CAMP RIPLEY ARCHERY HUNT

- Eliminates references to unused tags, special agents, and validated permits. Statute no longer requires hunters to obtain certain licenses from special agents and no longer requires physical licenses or tags. Hunters will still be able to meet requirements to possess a license and permit to enter Camp Ripley.

6232.1250 TAKING DEER BY ARCHERY UNDER BONUS PERMITS

- Eliminates reference to obtaining bonus permits from electronic license system agents. Statute allows hunters to obtain bonus permits online, without an agent.

6232.1300 SEASONS FOR TAKING DEER BY FIREARMS

- Clarifies reference to physical tags that come with licenses. Statute does not require hunters to possess or attach physical licenses or tags.

6232.1600 SPECIAL HUNT PROCEDURES

- Eliminates the reference to validating a deer license for a season option and making application at an electronic license system agent. Statute does not require hunters to possess or physically validate deer licenses and allows hunters to apply for special hunts online, without an agent.

6232.1950 TAKING DEER BY FIREARMS OR MUZZLELOADERS UNDER BONUS PERMITS

- Clarifies that hunters are not required to physically present a valid deer license to purchase a bonus permit. Statute does not require hunters to obtain physical licenses and tags. The electronic record of the hunter's previous license purchases will indicate their eligibility to purchase a bonus permit. Also clarifies that bonus permits may be purchased online, without an agent.

6232.1970 TAKING DEER BY ARCHERY, FIREARMS, OR MUZZLELOADER UNDER EARLY ANTLERLESS PERMITS

- Clarifies that hunters are not required to physically present a valid archery, firearms, or muzzleloader license to purchase early antlerless permits. Statute does not require hunters to obtain or possess physical licenses. The locations where early antlerless permits may be purchased are clarified. Statute allows early antlerless permits to be sold online, without an agent.

6232.1980 TAKING DEER BY ANY WEAPON USING DISEASE MANAGEMENT PERMITS

- Clarifies that disease management permits are available to people who have purchased an archery, firearms, or muzzleloader deer license. The locations where disease management permits may be purchased are clarified. Statute allows disease management permits to be purchased online, without an agent.

6232.2550 YOUTH SPECIAL DEER HUNTS

- Eliminates requirement to make applications for youth special deer hunts through an agent or at the DNR License Center. The locations where disease management permits may be purchased are clarified. Statute allows hunters to apply for permits online, without an agent.

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6232.2800 GENERAL REGULATIONS FOR TAKING BEARS

- Modifies references to registering and attaching tags to bears harvested by hunters. Statute does not require hunters to attach physical licenses and tags to harvested bears. Hunters will be required to register harvested bears and retain a confirmation number they receive at registration until the bear is processed.

6232.3100 BEAR NO-QUOTA AREA

- Modifies references to locations where no-quota bear licenses may be purchased using the updated licensing system. Statute allows no-quota bear licenses to be purchased through an agent at a business location or online, without an agent.

6232.4400 GENERAL REGULATIONS FOR TAKING ELK

- Updates references to possessing unused seals, tagging and affixing tags to reflect changes in statute that eliminate requirements for physical licenses and tags. Provides requirements for validation of license before moving harvested elk.

6234.1600 TAKING BOBCAT

- Updates references to tagging bobcats. Statute does not require physical licenses and tags. Bobcat pelts and carcasses will still be required to be presented and registered within 48 hours of the close of the season.

6234.1700 TAKING FISHER AND PINE MARTEN

6234.2000 TAKING OTTER.

- Updates references to tagging fisher, pine marten and otter. Statute does not require physical licenses and tags.

6234.2600 PELT TAGGING AND REGISTRATION

- Eliminates references to the use of physical site validation coupons. Statute no longer requires trappers to obtain or possess physical site validation coupons. References to physical tags issued by DNR staff at in-person registration events are not eliminated because the physical tags will continue to be issued to trappers who present legally taken river otter, pine marten, fisher, or bobcat for registration.

6236.0300 TURKEY HUNT DRAWING

- Modifies references to locations where hunters may apply for turkey hunting licenses using the updated licensing system. Statute allows hunters to apply for turkey licenses through an agent at a business location or online, without an agent.

6236.0500 TURKEY HUNT LICENSE RESTRICTIONS

- Updates references to tagging harvested turkeys. Statute does not require hunters to obtain or possess physical licenses and tags.

6236.0950 VALIDATING TURKEYS

- Modifies requirements to sign, indicate the date of kill, and attach the physical license to harvested wild turkey during transit. Statute does not require hunters to obtain or possess physical licenses and tags. Hunters will still be required to provide information upon registering their harvest electronically in the field or in-person at an agent location.

6237.0200 PRAIRIE CHICKEN HUNT DRAWING

- Eliminates requirement to make applications for prairie chicken licenses at specific locations. Statute allows hunters to apply for licenses online, without an agent.

6262.1000 SPECIAL FISH MANAGEMENT TAGS

6262.3200 PREPARATION AND PACKING OF FISH FOR TRANSPORTATION

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS

6266.0700 TAKING FISH ON MINNESOTA-CANADA BOUNDARY WATERS

- Modifications replace the term “tag” with “endorsement” to describe the actions that must be taken to validate a fishing license so that the holder can legally possess fish that are designated as special fish management

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species. Applying tags and related actions including notching, cutting, and marking are modified for consistency with statute, which does not require anglers to obtain or possess physical licenses and tags.

Publication of proposed rules. A copy of the proposed rules is published in the State Register and attached to this notice as mailed. A free copy of the rules is available upon request from the Agency Contact Person listed above. The proposed expedited rules may be viewed on the *DNR rulemaking webpage* at mndnr.gov/input/rules.

Comments. You have until 4:30 p.m. on Thursday, December 26, 2024, to submit written comments in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the Agency Contact Person by the due date. The DNR encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments that you have on the legality of the proposed rules during this comment period. If the proposed expedited rules affect you in any way, the DNR encourages you to participate in the rulemaking process.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the Agency Contact Person must receive it by 4:30 p.m. on Thursday, December 26, 2024. Your written request must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the DNR cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 50 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 50, the DNR must give written notice of this to all persons who requested a hearing, explain the actions the DNR took to effect the withdrawal, and ask for written comments on this action. If the DNR is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes*, section 14.131 to 14.20.

Modifications. The DNR may modify the proposed expedited rules using either of two avenues: The DNR may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the DNR may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the DNR will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the DNR must publish a copy of the changes in the State Register.

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

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

Adoption and Review of Expedited Rules. If no hearing is required, the DNR may adopt the rules at the end of the comment period. The DNR will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the DNR submits the rules. If you want to be so notified or want to receive a copy of the adopted rules or want to register with the DNR to receive notice of future rule proceedings, submit your request to the Agency Contact Person listed above.

Date: 11/06/2024

Sarah Strommen
Commissioner of Natural Resources

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6100.5002 SPECIAL PERMITS.

Upon written application by the responsible event sponsor to the commissioner, special operating permits for limited periods of time not to exceed 30 days may be issued to operators of snowmobiles from states which do not require registration when such snowmobiles are to be used in connection with a responsibly organized group outing, trailride, race, rally, or other promotional events. ~~Such~~ The permit shall be conspicuously displayed on the snowmobile and is valid only when the snowmobile is used in connection with the event for which the permit was issued and for the period of time shown on the permit.

6213.0100 DEFINITIONS.

[For text of subparts 1 to 4, see Minnesota Rules]

Subp. 5. **Electronic license system.** “Electronic license system” means the Minnesota system of using point-of-sale equipment, agents, online sales, or a telephone service to collect data and to issue ~~electronic~~ licenses.

[For text of subpart 6, see Minnesota Rules]

6213.0400 TERMS OF AGENT CONTRACT.

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

Subp. 7. **Communication and electrical needs.** An agent must agree to provide an established communications connection and ~~access to electrical outlets to use the point-of-sale equipment.~~ The equipment must include the ability to print a license on ordinary paper.

Subp. 8. **Lost or missing materials and equipment; terms of deposit.** Except for acts beyond their control, an agent must agree to be responsible for lost, stolen, missing, or destroyed electronic licenses and materials and point-of-sale equipment relating to electronic licenses. ~~An agent, except for those agents who are appointed as a deputy registrar of motor vehicles by the commissioner of public safety under Minnesota Statutes, section 168.33, must provide a deposit not to exceed \$500 per set of equipment. The deposit shall be held in a clearing account. The deposit shall be refunded at the time an agent terminates the agent’s contract if all point-of-sale equipment and related materials are returned to the commissioner in good working condition and if the agent has no outstanding debt owed to the Department of Natural Resources. If the equipment is not returned within 30 days of contract termination, the deposit shall be forfeited and used towards the cost of replacing the equipment. An agent’s deposit shall be applied to any outstanding debt owed to the Department of Natural Resources at the time of contract termination.~~

[For text of subparts 9 to 14, see Minnesota Rules]

Subp. 15. **Security.** An agent must provide a location ~~for the electronic license system equipment that protects it from damage and unauthorized use~~ that protects the sale of electronic licenses from unauthorized use and protects any provided materials from damage.

[For text of subpart 16, see Minnesota Rules]

6213.0500 SALE OF ELECTRONIC LICENSES.

Subpart 1. **Place of sale.** Electronic licenses must be ~~completed~~ sold at the agent’s business location ~~that is identified in the agent’s contract with the Department of Natural Resources.~~ An agent is responsible for the completion of each ~~electronic~~ license transaction for each ~~electronic~~ license sold at the agent’s place of business.

Subp. 2. [See repealer.]

[For text of subpart 3, see Minnesota Rules]

6232.0200 DEFINITIONS.

[For text of subparts 1 to 4a, see Minnesota Rules]

Subp. 5. **Bonus permit.** “Bonus permit” means a license to take ~~and tag~~ deer by archery or firearms, in addition to deer authorized to be taken under regular archery or firearms licenses. It is available for one-half the cost of a regular res-

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ident or nonresident license and is valid immediately upon issuance, as long as the purchaser has a valid regular license. Deer taken ~~and tagged~~ with a bonus permit must be antlerless unless otherwise prescribed by the commissioner.

[For text of subparts 5a to 10, see Minnesota Rules]

Subp. 11. **Earn-a-buck hunt.** “Earn-a-buck hunt” means a hunt in which a hunter must ~~tag~~ kill at least one antlerless deer before ~~tagging~~ taking a legal buck.

[For text of subpart 12, see Minnesota Rules]

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

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

Subp. 3. **Party hunting.** A party is a group of two or more licensed deer hunters who are afield hunting together and are all using firearms or all using archery equipment. A member of a party may kill a legal buck or antlerless deer for another member of the party who has ~~an unused tag valid for that deer~~ not killed a deer under their license, except:

A. as provided by Minnesota Statutes, section 97B.301; and

B. in all 300 series deer permit areas as prescribed in part 6232.1300, subpart 3, where ~~unused tags can be used on party hunting is allowed for~~ antlerless deer only.

A mixed-weapons group is considered two separate parties. Persons issued permits under Minnesota Statutes, section 97B.055, subdivision 3, who are hunting in a lottery deer permit area and do not have an either-sex permit may not ~~tag take~~ antlerless deer for another member of the party.

Subp. 4. [Repealed, L 2008 c 368 art 2 s 82]

Subp. 5. [See repealer.]

Subp. 6. **License purchase and validation.**

[For text of item A, see Minnesota Rules]

B. Before a deer is moved from the site of kill, the person ~~tagging~~ possessing the deer must validate the ~~tag corresponding~~ license. Validation consists of ~~using a knife or similar sharp object to cut out or a pen to indelibly mark the appropriate notches on the tag~~ indicating electronically or on a paper license:

[For text of subitems (1) to (3), see Minnesota Rules]

[For text of subpart 7, see Minnesota Rules]

Subp. 8. **Bag limit.** ~~Except as authorized in subpart 3,~~ a person may not ~~tag kill~~ more than one legal buck per calendar year using any combination of licenses. A person may not ~~tag kill~~ more than one deer during a license year by any method, except as authorized in items A to G and subpart 3.

A. In deer areas designated as managed or intensive, a person may ~~tag take~~ deer with an archery, firearms, or muzzleloader license.

B. A person may ~~tag take~~ a deer by archery, firearm, or muzzleloader with a bonus permit in specified areas as prescribed in this chapter.

C. In no case may a person ~~tag take~~ more than five deer per year by firearms, archery, muzzleloader, or all methods combined, except additional deer may be taken as provided in items D, subitem (4); E; F; and G.

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

F. Hunters hunting in the Metropolitan Deer Management Zone under part 6232.4700, subpart 158, may ~~take and tag~~ an unlimited number of deer.

[For text of item G, see Minnesota Rules]

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[For text of subpart 9, see Minnesota Rules]

6232.0400 REGISTRATION OF DEER.

Subpart 1. [Repealed, 20 SR 2287]

Subp. 2. **Registration requirements.**

A. Persons ~~tagging~~ who validate their license for a deer must present the deer for registration at a designated deer registration station or agent of the commissioner and obtain a big game possession tag or connect to online or telephone DNR harvest registration systems and follow the instructions to obtain a registration confirmation number. All information provided by a person registering deer must be accurate and include the correct date, sex and age of the deer, and permit area in which the animal was harvested.

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

Subp. 3. [Repealed, 20 SR 2287]

Subp. 4. **General provisions for registration of deer.** Registration agents are not required to inspect deer at registration stations. Legally registered deer may be transported anytime during or after the deer hunting season. No part of the carcass, except skin or entrails, may be removed until after the deer has been registered using one of the methods described in subpart 2, except that deer may be quartered prior to registration as long as all parts remain together and are presented for registration and the head of the deer remains attached to one quarter. A person may not process a deer unless it has been registered as evidenced by a possession tag or registration confirmation number.

[For text of subpart 5, see Minnesota Rules]

6232.0500 DEER LICENSES FOR MILITARY PERSONNEL.

Military personnel and disabled veterans may obtain a license to hunt deer as authorized by Minnesota Statutes, sections 97A.441 and 97A.465, under the conditions in this part.

A. The free license, and either-sex permit, and tag must be obtained from ~~an~~ the electronic license system ~~special agent or~~ the Department of Natural Resources License Center, or other authorized agents.

B. The season option selected by the applicant ~~shall be printed~~ is indicated on the license.

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

6232.0900 CAMP RIPLEY ARCHERY HUNT.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Permit required to hunt.** Only persons possessing a valid Minnesota archery or all-season deer hunting license, ~~an unused possession tag valid for taking a deer by archery~~, and a permit validated for the Camp Ripley archery hunt will be permitted to enter Camp Ripley. Permits are not transferable between individuals or hunting dates. The permit for the Camp Ripley archery hunt authorizes the permit holder to take one deer at Camp Ripley, unless otherwise authorized by the commissioner. A permit holder may not take any species other than deer at Camp Ripley.

6232.1250 TAKING DEER BY ARCHERY UNDER BONUS PERMITS.

Subpart 1. **Purchase.** The purchase of a bonus permit is authorized for any person who has purchased a valid archery deer license for the current year. Bonus permits may be purchased from ~~the~~ electronic license system ~~agents~~, the Department of Natural Resources License Center, and other authorized agents.

Subp. 2. [Repealed, 35 SR 2014]

6232.1300 SEASONS FOR TAKING DEER BY FIREARMS.

[For text of subparts 1 to 4a, see Minnesota Rules]

Subp. 5. **Taking antlerless deer on firearms licenses.** The provisions for taking antlerless deer in this part apply to the use of a regular firearms, all-season, or youth deer license ~~tag~~. In addition, antlerless deer may be taken ~~and~~ ~~tagged~~ with bonus permits as prescribed in ~~parts 6232.1900 and part 6232.1950~~.

[For text of subpart 6, see Minnesota Rules]

6232.1600 SPECIAL HUNT PROCEDURES.

Subpart 1. **Deer license and permit required for special hunt permit area.** Before applying to hunt in a special hunt permit area, a person must purchase a deer hunting license. A firearms deer license ~~validated~~ for the proper season option and a permit valid for that area is required to hunt deer in firearms special hunt areas. Special hunt permit applications must be made ~~at an~~ through the electronic license system ~~agent or~~, the Department of Natural Resources License Center, or other authorized agents.

Subp. 2. **Application process.** Applications for all firearms special hunt permits must be made according to this subpart and according to application instructions provided by the commissioner.

A. ~~Each person must apply at an electronic license system agent or the Department of Natural Resources License Center.~~ A person may not apply more than once for a hunt, whether as an individual or as a member of a group.

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

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

6232.1950 TAKING DEER BY FIREARMS OR MUZZLELOADERS UNDER BONUS PERMITS.

Subpart 1. **Purchase.** The purchase of a bonus permit is authorized for any person who has purchased ~~and presents~~ a regular firearms or muzzleloader deer license for the current year. Bonus permits may be purchased for one-half the cost of a regular license from the electronic license system ~~agents~~, the Department of Natural Resources License Center, ~~and or~~ or other authorized agents.

[For text of subpart 2, see Minnesota Rules]

6232.1970 TAKING DEER BY ARCHERY, FIREARMS, OR MUZZLELOADER UNDER EARLY ANTLERLESS PERMITS.

Subpart 1. **Purchase.** A person who purchases ~~and presents~~ a license valid for the archery, firearm, or muzzleloader season may purchase up to two early antlerless permits. Early antlerless permits may be purchased for one-quarter the cost of a regular license from the electronic license system ~~agents~~, the Department of Natural Resources License Center, ~~and or~~ or other authorized agents.

[For text of subpart 2, see Minnesota Rules]

6232.1980 TAKING DEER BY ANY WEAPON USING DISEASE MANAGEMENT PERMITS.

Subpart 1. **Purchase.** An unlimited number of disease management permits may be purchased by a person who has purchased a ~~valid~~ firearms, archery, or muzzleloader deer license. Disease management permits may be purchased for \$1.50 from the electronic license system ~~agents~~, the Department of Natural Resources License Center, ~~and or~~ or other authorized agents.

[For text of subpart 2, see Minnesota Rules]

6232.2550 YOUTH SPECIAL DEER HUNTS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Application requirements.** Applications for youth special hunts must be made according to this part and according to application instructions provided by the commissioner. Applicants for youth firearms special hunts must

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be at least 12 years old and under age 16 by the beginning hunt date. Applicants for youth archery special hunts must be at least 12 years old and under age 18 by the beginning hunt date. Each person must apply ~~at an~~ through the electronic license system ~~agent or,~~ the Department of Natural Resources License Center, or other authorized agents. Group applications are not allowed. If the number of eligible applicants exceeds the quota established by the commissioner, the commissioner shall conduct a drawing to determine eligible participants. Preference for the youth special hunt drawing is given to applicants based on the number of years they have correctly applied for a youth special hunt permit but have been unsuccessful. Upon issuance of a youth special hunt permit, all accumulated preference is lost. The application deadline is the Friday nearest August 17.

6232.2800 GENERAL REGULATIONS FOR TAKING BEARS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Party hunting.** Party hunting for bears is not permitted. A person may not shoot a bear for another person, validate a bear killed by another person, or tag register a bear shot by another person.

[For text of subpart 3, see Minnesota Rules]

Subp. 4. ~~Tagging and License validation.~~ Persons taking a bear must affix a tag and validate their license at the site of kill as provided below:

A. ~~Persons killing a bear must affix to the carcass the site tag provided with their bear hunting license. The tag must be fastened around the bear's sternum (breast bone), through an ear, or around a leg bone or tendon so that the tag cannot be readily removed. A hunter may not possess or use the site tag of another, except when transporting a bear as provided by Minnesota Statutes, section 97A.535.~~

B. ~~At the time a bear is tagged at the site of kill, the license of the person whose tag is affixed to who killed the bear must be validated. Validation consists of using a knife or similar sharp object to cut out or a pen to indelibly mark the appropriate notches on the registration slip indicating:~~

[For text of subitems (1) to (3), see Minnesota Rules]

[For text of subpart 5, see Minnesota Rules]

Subp. 6. **Registration requirements and sample collection.**

A. Every person taking a bear must present it for registration:

(1) at a designated bear registration station or must connect to an online ~~or telephone~~ Department of Natural Resources harvest registration system and follow the instructions; or

[For text of subitem (2), see Minnesota Rules]

[For text of item B, see Minnesota Rules]

C. A person registering bear must:

~~(1) obtain a big game possession tag at a bear registration station; or~~

~~(2) obtain a registration confirmation number at a designated bear registration station or by using an online or telephone Department of Natural Resources harvest registration system.~~

D. Registration agents are not required to inspect bear at registration stations.

E. A person may not process a bear unless it has been registered as evidenced by a ~~possession tag or~~ registration confirmation number.

[For text of subparts 7 and 8, see Minnesota Rules]

6232.3100 BEAR NO-QUOTA AREA.

Licenses for the no-quota area are not limited in number and may be purchased ~~at an~~ from the electronic licensing

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system (ELS) agent, ~~ELS-Internet, or ELS-Telephone~~, the Department of Natural Resources License Center, or other authorized agents. A person may purchase a license for both a quota area and the no-quota area in the same year. No-quota licenses are valid only in the no-quota area.

6232.4400 GENERAL REGULATIONS FOR TAKING ELK.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Party hunting.** Licensees may not hunt elk ~~without having the unused seal in their possession if the licensees have already killed an elk.~~ Licensed parties ~~with an unused seal in their possession~~ may assist other licensed parties in taking elk, but may not shoot, validate, or tag register elk for another party.

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

Subp. 5. [See repealer.]

Subp. 5a. **Validation.** Before an elk is moved from the site of kill, the person possessing the elk must validate the corresponding license. Validation consists of indicating electronically or on a paper license:

A. the month the elk was taken;

B. the date the elk was taken; and

C. the time of day the elk was taken.

[For text of subparts 6 and 7, see Minnesota Rules]

6234.1600 TAKING BOBCAT.

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

Subp. 3. **Bag limits.** A person may not take more than five bobcats per season by either hunting or trapping or both. A person may not possess more than five bobcats at a time, except that a person may possess additional pelts that the person lawfully took, ~~tagged~~, and registered during previous seasons.

Subp. 4. ~~Tagging bobcats~~ **Registering and validating pelts.** Pelts and skinned carcasses are subject to the provisions of part 6234.2600.

6234.1700 TAKING FISHER AND PINE MARTEN.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Bag limits.** The combined limit for fisher and pine marten is five per season, in aggregate. A person may not take more than five fisher and pine marten, combined, per season or possess more than five fisher and pine marten, combined, at a time, except that a person may possess additional pelts that the person lawfully took, ~~tagged~~, and registered during previous seasons.

Subp. 3. ~~Validation and tagging.~~ Each pine marten or fisher must be validated electronically or on a ~~site validation coupon issued by the state~~ a paper license. The person taking the animal must validate ~~the coupon at and prior to electronically or on the paper license before removing the animal from the kill site.~~ ~~The coupon must be obtained and validated according to part 6234.2600.~~ Pelts and skinned carcasses of fisher and pine marten are subject to the provisions of part 6234.2600.

[For text of subpart 4, see Minnesota Rules]

6234.2000 TAKING OTTER.

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

Subp. 3. **Bag limits.** A person may not take more than four otter per season, or possess more than four otter at a time, except that a person may possess additional pelts that the person lawfully took, ~~tagged~~, and registered during previous

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seasons.

Subp. 4. **Validation and tagging otter.** Each otter taken must be validated ~~on a site validation coupon issued by the state. The person taking the animal must validate the coupon at and prior to removing the animal from the kill site. The coupon must be obtained and validated according to part 6234.2600 electronically or on the paper license at the kill site before removal.~~ Pelts are subject to the provisions of part 6234.2600.

6234.2600 ~~PELT TAGGING AND REGISTRATION~~ REGISTERING AND VALIDATING PELTS.

Subpart 1. [Repealed, 30 SR 613]

Subp. 2. [Repealed, 30 SR 613]

Subp. 3. **Registration of pelts.** The pelt of each bobcat, fisher, pine marten, and otter must be presented, along with completed site ~~validation coupons~~ validations for each fisher, pine marten, or otter, by the person taking it, to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for each species, respectively. The entire carcass of bobcat and the entire head of pine marten and fisher must be surrendered to the state wildlife manager designee. The pelt of bobcat, otter, fisher, and pine marten must have been removed from the carcass.

Subp. 4. **Prohibition on ~~validation or tagging~~ validating animals not personally taken.** A person may not validate ~~a site validation coupon or affix any tag or seal to the pelt or carcass of any animal that the person did not take or is not authorized to take.~~

[For text of subpart 5, see Minnesota Rules]

Subp. 6. **Site ~~validation coupons~~ validations.**

A. Fisher, otter, and pine marten site ~~validation coupons~~ validations may be obtained at no cost ~~through from the electronic licensing system, the Department of Natural Resources License Center, or other authorized agents.~~

B. The site validation ~~coupon~~ is part of the trapper's license to take fisher, otter, and pine marten and must be in the trapper's possession while taking and transporting these species.

C. Site ~~validation coupons~~ validations are not transferable.

Subp. 7. **~~Validating coupons~~ Validation.** Site validation ~~coupons~~ must be notched with a knife or other sharp instrument in the appropriate locations be completed electronically or on a paper license indicating the species for fisher or marten, month, date, and time (a.m./p.m.) the animal was taken. ~~The coupon must be validated~~ Validation must be completed at and ~~prior to before~~ removing the animal from the kill site.

6236.0300 TURKEY HUNT DRAWING.

Subpart 1. **Spring license application drawings.**

A. Applications for spring hunts must be made according to this part and according to application instructions provided by the commissioner. Each person must apply ~~at an through the~~ the electronic license system agent or, the Department of Natural Resources License Center, or other authorized agents. Drawings will be conducted ~~by the department~~ to determine persons who will be eligible to purchase licenses for each season. The drawings will be subject to the quotas established by the commissioner. Preference in the respective drawings is given to applicants based upon the number of times they have correctly applied for a license for that hunt but have been unsuccessful. A person selected by the drawings is eligible to purchase a license to hunt turkey. Upon issuance of a turkey license for the spring season, all accumulated preference for that season is lost, except as provided in subpart 6.

B. No application is needed to purchase a fall turkey license.

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[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. **Drawing application fee.** An applicant must pay a fee as provided by statute at the time of application ~~at the electronic license system-point of sale (ELS-POS) agent.~~ Any check that is returned to the department for nonpayment will invalidate the application and the check will be destroyed. Refunds of application fees will not be made for any reason.

Subp. 6. **Undersubscribed wild turkey permit areas.** In permit areas and time periods with fewer applicants than available licenses, the remaining available licenses may be first offered to unsuccessful applicants for other permit areas or time periods on a first-come, first-served basis. An eligible person must apply individually ~~and in person at an ELS-POS (point-of-sale) agent location or individually through the ELS-Internet or ELS-Telephone system through the electronic license system, the Department of Natural Resources License Center, or other authorized agents~~ to obtain a remaining available license. Any remaining available licenses not purchased by unsuccessful applicants may then be issued to any eligible person on a first-come, first-served basis. Individuals who purchase these remaining available licenses retain their accumulated preference.

6236.0500 TURKEY HUNT LICENSE RESTRICTIONS.

Turkey hunters licensed for the same wild turkey permit area and time period may assist other licensed turkey hunters but each hunter may not shoot, validate, or tag register a turkey for another hunter.

6236.0950 ~~TAGGING~~ VALIDATING TURKEYS.

Immediately after taking a turkey, the hunter must ~~punch date of kill, sign, and attach the tag provided with~~ validate the license ~~to the turkey as specified on the tag. This tag~~ The license may be electronic or on paper and must remain attached to with the turkey during transit. Validation consists of indicating electronically or on a paper license:

- A. the month the turkey was taken;
- B. the date the turkey was taken; and
- C. the time of day the turkey was taken.

6237.0200 PRAIRIE CHICKEN HUNT DRAWING.

Subpart 1. **License application drawings.** Applications for all hunts must be made according to this part and according to application instructions provided by the commissioner. Each person must apply ~~at an electronic license system-agent through the electronic licensing system, a contracted license agent,~~ or the Department of Natural Resources License Center. Drawings shall be conducted by the department to determine persons who are eligible to purchase licenses for the season. The drawings are subject to the quotas established by the commissioner. Preference in the respective drawings is given to applicants based upon the number of times they have correctly applied for a license for the hunt but have been unsuccessful. A person selected by the drawings is eligible to purchase a license to hunt prairie chicken. Upon issuance of a prairie chicken license, all accumulated preference for prairie chicken hunting is lost.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. **Drawing application fee.** An applicant must pay a fee as prescribed by statute at time of application ~~at the electronic license system-point of sale (ELS-POS).~~ Refunds of application fees shall not be made for any reason.

Subp. 6. **Undersubscribed prairie chicken permit areas.** In permit areas with fewer applicants than available licenses, the remaining available licenses may be first offered to unsuccessful applicants for other permit areas on a first-come, first-served basis. An eligible person must apply individually ~~and in person at an ELS-POS agent location or individually through the ELS-Internet or ELS-Telephone system~~ to obtain a remaining available license through the electronic licensing system, a contracted license agent, or the Department of Natural Resources License Center. Any remaining available licenses not purchased by unsuccessful applicants may then be issued as prescribed by the commissioner to

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any eligible person on a first-come, first-served basis. Individuals who purchase these remaining available licenses retain their accumulated preference.

6262.1000 SPECIAL FISH MANAGEMENT TAGS.

Subpart 1. [See repealer.]

Subp. 2. **Special fish management species.** The following is a special fish management species and requires ~~a tag~~ an endorsement:

Lake sturgeon (*Acipenser fulvescens*).

Subp. 3. ~~Tag Endorsement requirements.~~ A person may not possess a special fish management species unless the person has a valid tag endorsement for that species. ~~A tag~~ An endorsement is not required to angle for a special fish management species.

Subp. 4. **Eligibility.** A person applying for a tag special fish management endorsement must either possess a valid fishing license or be specifically exempt by law from the fishing license requirement. A person exempt by law from the fishing license requirement must still obtain ~~a tag~~ an endorsement to legally possess a special fish management species.

Subp. 5. [See repealer.]

Subp. 6. **Tagging Validation.**

A. Immediately after reducing a special fish management species to possession, ~~a tag~~ an endorsement holder must validate ~~and attach a tag to the fish~~ their license. ~~A tag~~ An endorsement holder may not ~~affix any tag to the carcass of~~ validate a special fish management species that the tag endorsement holder did not personally catch.

B. To validate a tag license, the tag endorsement holder must ~~use a sharp object to cut out or use a pen to indelibly mark the appropriate notch on the tag indicating~~ indicate:

[For text of subitems (1) to (3), see Minnesota Rules]

C. A tag validated license must ~~be attached to remain with~~ a special fish management species ~~as described in this item and in such a manner that it cannot be readily removed before until~~ the fish is consumed or processed. ~~For lake sturgeon, tag holders must attach the validated tag to the caudal peduncle (narrow portion of the body just in front of the tail fin) using string, twine, wire, or similar device.~~

Subp. 7. **Registration.** A ~~tag holder must register a catch of~~ a special fish management species must be registered electronically or at a registration agent within 48 hours of reducing it to possession ~~by completing and mailing the registration card provided with the tag. The following registration information is required:~~

~~A:~~ tag holder information;

~~B:~~ date when reduced to possession;

~~C:~~ fish length;

~~D:~~ name of the water body where the fish was reduced to possession; and

~~E:~~ signature of permittee.

6262.3200 PREPARATION AND PACKING OF FISH FOR TRANSPORTATION.

[For text of subparts 1 to 5, see Minnesota Rules]

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Subp. 6. Restrictions on special fish management species.

A. A person may transport a ~~tagged~~ special fish management species during the open season and the two days following the season for that species once the fish has been registered and the licensee has validated their license for that fish.

B. A person other than the tag endorsement holder may transport a ~~tagged~~ special fish management species that the ~~tag holder~~ has been registered if the fish has an additional informational tag information attached to it, marked in indelible ink with the signature full name of the tag endorsement holder and the locations from which and to which the fish is being transported.

C. All ~~tagged~~ special fish management species must be transported in devices that readily allow for inspection.

D. Processing of a special fish management species may only be done at the tag endorsement holder's permanent residence, except:

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

E. ~~The validated special fish management species tag must be a part of the packaging and remain with the processed fish until all meat is consumed.~~

F. ~~E.~~ Special fish management species must be shipped undressed and the packaging must have include the appropriate validated tag attached full name of the endorsement holder, except when packaged by a licensed fish packer.

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

[For text of subparts 1 to 31, see Minnesota Rules]

Subp. 32. **Lake sturgeon restrictions.** As described in part 6262.1000 and Minnesota Statutes, sections 97A.551 and 97C.087, a special fish management tag endorsement is required to harvest lake sturgeon. Notwithstanding part 6266.0700, subpart 2, item B, the following seasons and possession limits apply to all Minnesota-Canadian border waters and associated tributary streams. A person may possess only one lake sturgeon per license year. Lake sturgeon may be harvested from April 24 to May 7 or July 1 to September 30. All lake sturgeon in possession while on or fishing in the above listed waters must be 45 inches to 50 inches in length, inclusive, or greater than 75 inches in length. All lake sturgeon that are less than 45 inches in length or that are more than 50 inches but not more than 75 inches in length, must be immediately returned to the water. From May 8 to May 15 and October 1 to April 23, angling for lake sturgeon is limited to catch and release only. During catch-and-release seasons all sturgeon must be immediately released back into the water.

[For text of subparts 33 to 89, see Minnesota Rules]

Subp. 90. **Lake St. Croix and St. Croix River lake sturgeon regulations.** As described in part 6262.1000 and Minnesota Statutes, sections 97A.551 and 97C.087, a special fish management tag endorsement is required to harvest lake sturgeon. Notwithstanding part 6266.0500, subpart 3, the following seasons and possession limits apply to all waters of Lake St. Croix and the St. Croix River of the Minnesota-Wisconsin boundary waters between Prescott and Taylor's Falls Dam. Lake sturgeon may be harvested from the first Saturday in September to September 30. While a person is on or angling in these waters, all lake sturgeon in possession must be 60 inches or greater in length. All lake sturgeon less than 60 inches in length must be immediately returned to the water. A person may possess only one lake sturgeon per calendar year. From October 1 to October 15, angling for lake sturgeon is limited to catch and release only. During the catch-and-release season, all lake sturgeon caught must be immediately released.

[For text of subparts 91 to 153, see Minnesota Rules]

6266.0700 TAKING FISH ON MINNESOTA-CANADA BOUNDARY WATERS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. Species, seasons, and limits on Minnesota-Canada boundary waters.

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

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C. Except as provided in chapter 6264, the following applies to the species, seasons, and limits for taking fish on Minnesota-Canada boundary waters. When the closing date of the season falls on a Saturday, the season extends to the following Sunday, except for the walleye and sauger season, which always ends on April 14 regardless of which day of the week it falls.

Species	Open Season	Daily and Possession Limits
<i>[For text of subitem (1), see Minnesota Rules]</i>		
(2) Sturgeon		
An angler must have a special fish management <u>tag endorsement</u> to harvest sturgeon. All border waters not listed in subitem (1), unit (b) or (c), or in chapter 6264.	June 16 to April 14 for catch and release only. Closed April 15 to June 15. When the closing date of a season falls on a Saturday, the season does not extend through the following Sunday.	

[For text of subitems (3) to (9), see Minnesota Rules]

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

REPEALER. Minnesota Rules, parts 6213.0500, subpart 2; 6232.0300, subpart 5; 6232.4400, subpart 5; and 6262.1000, subparts 1 and 5, are repealed.

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

Commissioner's Order #2 ML 2024: Amend Mille Lacs Lake Walleye Fishing Regulations

Effective Date: December 1, 2024

Statutory authority: *Minnesota Statutes*, section 97C.005, subdivision 3

Supersedes: Commissioner's Order #1 ML 2024: Amend Walleye Regulations for Open Water Angling on Lake Mille Lacs as published in the August 12, 2024, *State Register* (49 SR 157)

BACKGROUND

Each year a harvestable surplus is set for walleye in Lake Mille Lacs by a joint management process between the state of Minnesota and the eight Ojibwe Bands signatory to the Treaty of 1837. The harvestable surplus is the pounds of fish that can be taken safely from Lake Mille Lacs while ensuring sufficient walleye remain in the lake for a healthy population. The harvestable surplus is then divided between the state of Minnesota and the eight Ojibwe Bands. The harvestable surplus for 2025 will not be determined until January 2025. However, based on 2024 fall fisheries surveys, the Minnesota Department of Natural Resources anticipates that the 2025 harvestable surplus will allow for limited

Commissioner's Orders

walleye harvest by state-licensed anglers during the winter 2024-2025 fishing season while not exceeding the state's share of the harvestable surplus. The winter 2024-2025 fishing season will commence December 1, 2024, and extend through February 23, 2025. This order establishes the walleye harvest restrictions that will be in effect for the winter 2024-2025 fishing season.

For all other species, the Expedited Emergency Game and Fish Rule as published in the May 6, 2024, State Register (48 SR 1014) will remain in effect.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97C.005, subdivision 3, that:

1. The winter angling season for walleye begins at 12:01 a.m. on December 1, 2024, and continues to 11:59 p.m. on February 23, 2025. While a person is on or angling in Lake Mille Lacs or its associated tributaries to the posted boundaries, the daily and possession limit for walleye is two, provided:
 - a. one of which may be over 28 inches in length; and
 - b. all walleye less than 18 inches in length or greater than 20 inches but less than 28 inches in length must be returned immediately to the water.
2. Fishing for all other species and the existing regulations for all other species, continue unaffected by this order.

Date: 11/07/2024

Sarah Strommen, Commissioner

Official Notices

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

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

Department of Employment and Economic Development (DEED) Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under Minnesota Statutes 116J.8748

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development ("DEED") will conduct a public hearing on Wednesday, December 4, 2024, at 1:00 p.m., or as soon thereafter as reasonably possible at 180 East Fifth Street, 12th Floor, St. Paul, Minnesota 55101 on one (1) proposal to provide funding through the Minnesota Job Creation Fund Program ("JCF") pursuant to authority granted under *Minnesota Statutes* 116J.8748 and *Minnesota Rules* Chapter 4301. This hearing is conducted in accordance with *Minnesota Statutes* 116J.994, Subd. 5.

Description of Project and Proposed JCF Funding:

States Manufacturing (NAICS 335313) is looking to expand in Dayton (Hennepin County). States Manufacturing offers integrated services through four manufacturing groups: Electrical Solutions, Metal Fabrication, Equipment

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Shelters, and Painting Services. The company plans to renovate a 500,000-square-foot building in Dayton as part of the project. The total project cost is \$23,915,000 with \$11,075,000 eligible for capital investment rebate for site improvements, and renovations to an existing building, which would be rebated up to 5%. The company expects to create 340 jobs within the first three (3) years at an average cash wage of \$39.12 per hour. All jobs will qualify for a job creation award. The state is considering further participation with \$1,960,000 via the Minnesota Investment Fund, which will be forgivable if job creation and wage goals are met. The project may be eligible for a job creation award of up to \$500,000 and a capital investment rebate of up to \$340,000 depending on final project specifications. No additional local assistance is being proposed.

All interested persons may appear and be heard at the time and place set forth above. Persons interested in participating via teleconference should contact Sala Yussuf, Senior Loan Officer at (651) 259-7518 or salahadin.yussuf@state.mn.us prior to the date of the hearing for instructions on how to participate in the call.

Interested persons may mail written comments to Sala Yussuf at 180 East Fifth Street, 12th Floor, St. Paul, Minnesota 55101, or e-mail salahadin.yussuf@state.mn.us prior to the date of the hearing set forth above. All persons who appear at the meeting or participate via teleconference will be given an opportunity to express their views with respect to the proposal to award funds from the Minnesota Job Creation Fund.

Department of Labor and Industry (DLI) Notice of Certification of Highway and Heavy Prevailing Wage Rates

The Commissioner of Labor & Industry will certify prevailing wage rates for Highway and Heavy construction projects in all ten regions on Monday, November 18, 2024. These rates were identified by annual survey of highway and heavy construction projects in Minnesota collected by the Department.

Wage rate determinations are available online at:

<http://dli.mn.gov/business/employment-practices/prevailing-wage-information>

Questions regarding determinations may be directed to the following:

Division of Labor Standards

443 Lafayette Road N
St. Paul, MN 55155

Phone: 651-284-5192

Email: pwsurvey.dli@state.mn.us

Minnesota Pollution Control Agency (MPCA)

Resource Management and Assistance Division

REQUEST FOR COMMENTS on Rules Governing Reporting and Fees Paid by Manufacturers Upon Submission of Required Information about Products Containing Per- and polyfluoroalkyl substances (PFAS), Revisor's ID Number R-4828 (Previously R-4828 for PFAS in products: Reporting and R-4827 PFAS in Products: Fee rules)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on planned new rules for submission of required information about products containing PFAS. This rulemaking is referred to as the **PFAS in Products Reporting and Fee Rule**. Previously, there were two separate rules for reporting and fees. The main purpose of this rulemaking is to establish a program for the MPCA to collect information about products containing PFAS intentionally added to products sold, offered for sale, or distributed in Minnesota as required

by *Minnesota Statute Chapter 116, Section 116.9407, subdivisions 2 and 6*. Comments are requested from affected or interested parties. Comments should be submitted in writing as described in the **Comments** section below.

In a previous Request for Comments (RFC) on this rulemaking published in the State Register on September 25, 2023, the MPCA asked for comment on the PFAS Reporting and PFAS Fee rules under a new chapter 7026 for PFAS in Products. **If you submitted comments to the original RFC, those responses will still be considered along with the responses to this second RFC; you do not need to resubmit comments.**

The main purpose of this second RFC is to combine these two rules from the first RFC. Doing so helps to ensure that the fee process is directly a part of the reporting system being created for products with intentionally-added PFAS. This second request for comments (RFC) is the MPCA's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the Subject of Rules section.

Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues that may come up and helps to ensure informed decision-making on our part. If the planned rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the **MPCA Contact Person**.

Statutory Authority. *Minnesota Statute Chapter 116, Section 116.9407, subdivisions 2 and 6.*

Subject of Rules. The MPCA requests comments on planned new rules governing PFAS in products reporting. Information must be submitted by “manufacturers” of a product containing intentionally added PFAS about the product, the PFAS, and the submitter, as authorized by Minnesota Statute Chapter 116, Section 116.9407, subdivisions 2, which states:

“(a) On or before January 1, 2026, a manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS must submit to the commissioner information that includes:

- (1) a brief description of the product, including a universal product code (UPC), stock keeping unit (SKU), or other numeric code assigned to the product;
 - (2) the purpose for which PFAS are used in the product, including in any product components;
 - (3) the amount of each PFAS, identified by its chemical abstracts service registry number, in the product, reported as an exact quantity determined using commercially available analytical methods or as falling within a range approved for reporting purposes by the commissioner;
 - (4) the name and address of the manufacturer and the name, address, and phone number of a contact person for the manufacturer; and
 - (5) any additional information requested by the commissioner as necessary to implement the requirements of this section.
- (b) With the approval of the commissioner, a manufacturer may supply the information required in paragraph (a) for a category or type of product rather than for each individual product.
- (c) A manufacturer must submit the information required under this subdivision whenever a new product that contains intentionally added PFAS is sold, offered for sale, or distributed in the state and update and revise the information whenever there is significant change in the information or when requested to do so by the commissioner.
- (d) A person may not sell, offer for sale, or distribute for sale in the state a product containing intentionally added PFAS if the manufacturer has failed to provide the information required under this subdivision and the person has received notification under subdivision 4.”

The MPCA also requests comments on the associated fee to administer this new reporting program as authorized by *Minnesota Statute Chapter 116, Section 116.9407, subdivision 6.*, which states:

“The commissioner may establish by rule a fee payable by a manufacturer to the commissioner upon submission

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of the information required under subdivision 2 to cover the agency's reasonable costs to implement this section. Fees collected under this subdivision must be deposited in an account in the environmental fund."

In addition, other subdivisions in the law may directly relate to or have implications for reporting, such as the subdivisions referring to definitions, waivers and extensions, and exemptions.

In developing the reporting and fee rule, the MPCA would appreciate comments relating to the reporting and associated fee for products containing intentionally added PFAS.

The MPCA is interpreting these information submittals ("reporting") to occur once, on or before January 1, 2026, and to not involve resubmittal of the same information. However, updates to reported products when PFAS are added or subtracted ("whenever there is a significant change") are required.

Parties Affected. The new rule would affect any manufacturer of a product sold, offered for sale, or distributed in the state that contains intentionally added PFAS. Definitions of pertinent terms are provided in Minnesota Session Law – 2023, chapter 60, article 3, section 21, subdivision 1, including:

- "Manufacturer" means the person that creates or produces a product or whose brand name is affixed to the product. In the case of a product imported into the United States, manufacturer includes the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.
- "Intentionally added" means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product's components to perform a specific function.
- "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

"Manufacturers" can be located in Minnesota or anywhere outside the State, as long as they are selling a product, offering a product for sale, or distributing a product (or component) in the state that contains intentionally added PFAS.

Note that in some cases "manufacturer" may include people or entities not typically thought of as manufacturers, such as retailers which have their brand name or a private label brand name they own affixed to products. "Manufacturer" does not include landfill or wastewater treatment operators or any person who sells, offers for sale, or distributes in Minnesota:

- Products for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;
- A product regulated under section 325F.072 or 325F.075;
- A used product; or
- Products which contain a pesticidal ingredient regulated by and reported to the Minnesota Department of Agriculture.

While subdivision 8 of the law exempts them from prohibitions and testing and certificate of compliance requirements, "manufacturers" of prosthetic or orthotic devices or any products that are medical devices or drugs or that are otherwise used in a medical setting or in medical applications regulated by the United States Food and Drug Administration are not exempted from information submittal requirements.

Where to Get More Information. Information about this rulemaking is available on the rulemaking website at <https://www.pca.state.mn.us/get-engaged/pfas-in-products-reporting>. As stated above, we do not yet have draft rule

language. If you are interested in being notified of opportunities for public comment, when the draft rules are available for review, and of other activities relating to this (or other MPCA rulemakings) register for GovDelivery bulletins at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

Comments. Interested parties may submit written comments or information on these possible rules until **4:30 p.m. on Tuesday, December 19th 2024**. Submit written comments or information to the Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/>. Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore, OAH, telephone 651-361-7893, email William.T.Moore@state.mn.us. You may view frequently asked questions about the OAH eComments website at https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf. Comments received are public and will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

The MPCA will not publish a Notice of Intent to Adopt the rules until more than 60 days have elapsed from the date of this RFC.

The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation under *Minnesota Statutes*, section 14.128. Local governments may submit written information to the contrary.

The MPCA requests any information pertaining to the cumulative effect of the rule amendments with other federal and state regulations related to the specific purpose of the rule. Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

NOTE: The MPCA will carefully consider all comments received in response to this RFC. However, these comments will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ) if and when a proceeding to adopt rules is started. The MPCA is required to submit to the ALJ only the written comments received in response to the draft rules after they are proposed with a Notice of Intent to Adopt Rules. If you submit comments during the RFC stage of rule development and want to ensure that the ALJ reviews them, you should resubmit your comments after the rules are formally proposed with a Notice of Intent to Adopt the rules.

MPCA Contact Person. The MPCA contact person is Quinn Carr at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone 651-757-2722, email quinn.carr@state.mn.us. Technical questions on the planned rules should be submitted to Andria Kurbondski, telephone 651-757-2525, email Andria.kurbondski@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

Date: November 7, 2024

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

Teachers Retirement Association

Board of Trustees

Notice of Special Meetings

Notice is hereby given that the Board of Trustees will hold 2 special meetings on **Wednesday, November 20, 2024 at 9:00 a.m. and at 1:30 p.m.** in the Teachers Retirement Association office at 60 Empire Drive, Room 414, Saint Paul, Minnesota, 55103. Board members may participate in the meetings by interactive technology. The public may monitor the meeting electronically from a remote site as set out on the Teachers Retirement Association's website, which can be found at www.minnesotatra.org.

The purpose of the meeting will be for the board to participate in Executive Director Search: Training.

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 Employment and Economic Development (DEED) Notice of Grant Opportunity

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

Minnesota Department of Health Request for Proposals for Exception to the Nursing Home Moratorium

Purpose

The commissioner of health is accepting written proposals from nursing homes and certified boarding care homes requesting funding through the moratorium exception process, according to Minn. Stat. § 144A.073. The commissioner of health, in coordination with the commissioner of health services, may approve such requests under conditions listed in the Minnesota Statutes. These conditions refer to categories of exceptions which are defined as:

- a. “Conversion” means relocation of a nursing home bed from a nursing home to an attached hospital.
- b. “Relocation means movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.
- c. “Renovation means extensive remodeling of an existing facility with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less. A renovation may include the replacement or upgrade of existing mechanical or electrical systems.
- d. “Replacement means the constructions of a completely new facility.
- e. “Addition” means the construction of new space to an existing facility.
- f. “Upgrade” means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.
- g. “Phased project” means a proposal that identifies construction occurring with more than one distinct completion date. To be considered a distinct completion, each phase must have construction that is ready for resident use, as determined by the commissioner, which is not dependent on similar commissioner approval for future phases of construction. The commissioner of human services shall only allow rate adjustments for construction projects in phases if the proposal from a facility identifies construction in phases and each phase can be approved for use independent of the other phases.
- h. “Consolidation” means a project that meets criteria for “consolidation of nursing facilities” as outlined in 144A.071, Subd. 4d.

Appropriation Available

Previously, the amount for this Request for Proposals (RFP), posted on July 21, 2024, was \$4,891,643.00. There

State Grants & Loans

is additional funding available. The new appropriation amount available for this Request for Proposals (RFP), is \$5,032,217.00.

Eligibility to Submit a Proposal

A proposal for an exception to the nursing home moratorium may be submitted by an organization or individual authorized by a facility's governing board or management to prepare and submit a proposal to the commissioner of health.

Method for Estimating Proposal Cost

The method that the commissioner will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal is detailed in the application materials.

Criteria for Review

Minn. Stat. § 144A.073, Subd. 4a, states the criteria the commissioner of health is to consider in reviewing moratorium exception proposals:

Subd. 4a, Criteria for review. In reviewing the application materials and submitted costs by an applicant to the moratorium process, the review panel shall consider the following criteria in recommending proposals:

1. The extent to which the proposed nursing home project is integrated with other health and long-term care services for older adults;
2. The extent to which the project provides for the complete replacement of an outdated physical plant;
3. The extent to which the project results in a reduction of nursing facility beds in an area that has relatively high number of beds per thousand occupied by persons age 85 and over;
4. The extent to which the project produces improvements in health; safety, including life safety code corrections; quality of life; and privacy of residents;
5. The extent to which, under the current facility ownership and management, the provider has shown the ability to provide good quality of care based on health-related findings on certification surveys, quality indicator scores, and quality-of-life scores, including those from the Minnesota nursing home report card;
6. The extent to which the project integrates the latest technology and design features in a way that improves the resident experience and improves the working environment for employees;
7. The extent to which sustainability of the nursing facility can be demonstrated based on the need for services in the area and the proposed financing of the project; and
8. The extent to which the project provides or maintains access to nursing facility services needed in the community.

Projects Not Meeting Moratorium Exception Criteria

Projects that do not meet the criteria for the Moratorium Exception process may qualify for a "threshold" project in accordance with **Minn. Stat. § 256B.434, Subd. 4f**. Threshold projects are different from projects approved through the competitive moratorium exception process in that the capitalized expenses need not be related to improvements to the physical plant beyond replacement of existing components.

Note: As of October 1, 2023, Minn. Stat. § 256B.434, Subd. 4f, allows threshold projects with costs less than \$2,359,742 to proceed without applying for a moratorium exception under this process.

Procedure for Receiving Application Materials

The application materials, including instructions, format and necessary forms are available at the following website: ***Nursing Home and Certified Boarding Care Home Moratorium Exceptions*** (<https://www.health.state.mn.us/facilities/regulation/nursinghomes/moratoriumapp/index.html>); or upon email request to ***Health.NHM@state.mn.us***.

State Grants & Loans

Review and Approval of Proposals

Proposals will be reviewed by a committee composed of organizations that represent consumers and providers of nursing home services; persons who provide engineering, building construction, or design services; and state agencies involved in long term care issues, housing and finance. Applicants will have the opportunity to present their proposal, by *virtual public meeting*, to the (Proposal Review Committee) prior to the Committee submitting comments and recommendations to the commissioner. Details on this *virtual meeting*, including date, time will be made available to the contact person listed in each moratorium exception proposal. The commissioner of health will approve or disapprove project proposals based on criteria established in law and rule. The commissioner will make the final decision no later than **April 2, 2025**, this has been revised from April 4, 2025.

Questions Concerning the RFP

Any questions relating to the RFP process must be submitted by prospective applicants in writing, via email to ***Health.NHM@state.mn.us***.

No answers will be provided in response to phone calls. Each question must cite the particular RFP page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested application materials. Only responses in writing by staff of the Minnesota Department of Health will be considered official. The closing date for the receipt of questions will be **October 21, 2024**.

State Contracts

Technical assistance in completing the application forms is available from LeadingAge of Minnesota at (651) 645-4545, Care Providers of Minnesota at (952) 854-2844 or the Minnesota Department of Health at (651) 201-4200.

Procedures for Submitting Proposals

No proposals submitted by facsimile machine will be accepted. Applicant must obtain access to upload application materials.

Completed proposals must be uploaded to the Minnesota Department of Health CloudDrive, no later than **4:30 PM** on **December 19, 2024**.

Email information regarding the facility name, contact person and email address of the individual who will be uploading the application materials should be sent to ***Health.NHM@state.mn.us***.

To obtain this information in a different format, call: 651-201-4200.

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

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

Minnesota State is now placing additional public notices for contract opportunities for goods and services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). Minnesota State may add new public notices to the website daily and post for the time indicated within the public notice.

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

Minnesota House of Representatives and Minnesota Senate Requests for Bids for printing the Members Directory of the Minnesota Legislature

The Minnesota House of Representatives and the Minnesota Senate are seeking bids from qualified printers to provide printing services for the Members Directory of the Minnesota Legislature.

The size of the publication will be 4" x 6". The Members Directory of the Minnesota Legislature will contain approximately 208 pages plus cover.

All bids must be submitted on the forms accompanying the specifications in a sealed envelope and delivered to Third Floor, Centennial Office Building, 658 Cedar St., St. Paul, MN 55155, or delivered via email to Andrew.VonBank@house.mn.gov, no later than December 2, 2024 at 4:30 p.m.

A copy of the Request for Bid packet can be obtained by contacting: Andrew VonBank, Third Floor, Centennial Office Building, 658 Cedar St., St. Paul, MN 55155, phone: 651-296-1320, email: Andrew.VonBank@house.mn.gov

Other department personnel are NOT allowed to discuss the Request for Bid with anyone, including responders, before the proposal submission deadline.

State Contracts

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.



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