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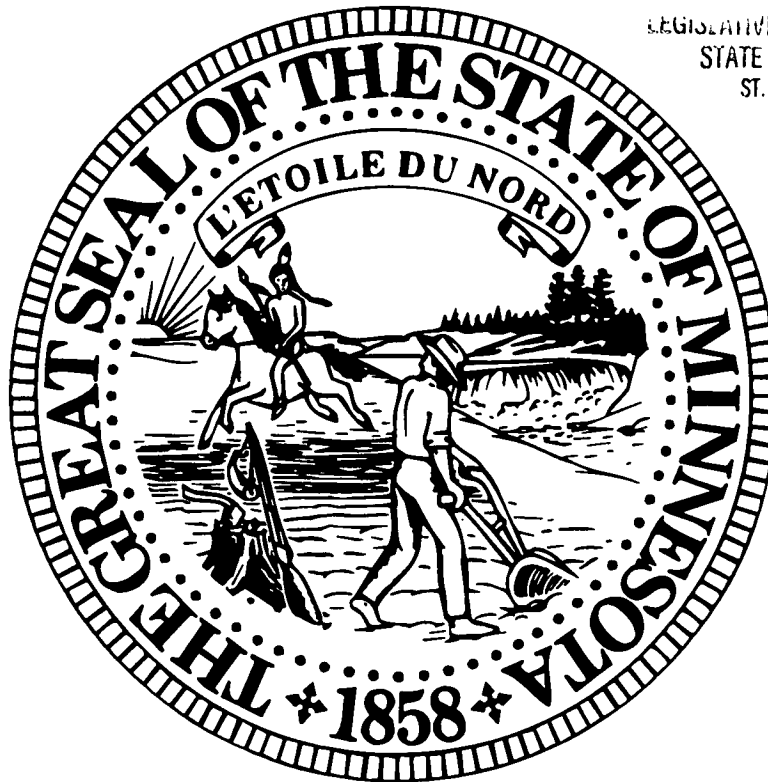
The Minnesota  
**State  
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# State Register

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

### Printing Schedule and Submission Deadlines

| Vol. 20<br>Issue<br>Number | PUBLISH<br>DATE     | Deadline for both<br>Adopted and Proposed<br>RULES | Deadline for: Emergency Rules, Executive and<br>Commissioner's Orders, Revenue and Official Notices,<br>State Grants, Professional-Technical-Consulting<br>Contracts, Non-State Bids and Public Contracts |
|----------------------------|---------------------|--|---|
| # 11                       | Monday 11 September | Monday 28 August                                   | Friday 1 September  |
| # 12                       | Monday 18 September | Friday 1 September                                 | Monday 11 September   |
| # 13                       | Monday 25 September | Monday 11 September                                | Monday 18 September   |
| # 14                       | Monday 2 October    | Monday 18 September                                | Monday 25 September   |

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 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. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or 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 in the *State Register*, 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. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *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 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.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

## Department of Agriculture

### Adopted Permanent Rules Relating to Local Implementation of State Pesticide Control Regulations

The rules proposed and published at *State Register*, Volume 19, Number 34, pages 1758-1764, February 21, 1995 (19 SR 1758), are adopted with the following modifications:

#### Rules as Adopted

##### 1505.4000 PURPOSE.

Parts 1505.4000 to ~~1505.4110~~ 1505.4130 provide the administrative procedures and requirements for local units of government to develop delegation agreements with the commissioner for local implementation of the state pesticide control law.

##### 1505.4010 SCOPE.

Parts 1505.4000 to ~~1505.4110~~ 1505.4130 apply to all local units of government. No local unit of government is allowed to implement any portion of the state pesticide control law at the local level except by adoption of a delegation agreement which has been signed by the commissioner or as specifically provided by *Minnesota Statutes*, section 18B.01 or 18B.09. Portions of the state pesticide control law which are available for delegation to local units of government are limited to: *Minnesota Statutes*, section 18B.07, subdivision 3 (identification of proper posting, according to product labeling, of areas where pesticides have been applied); ~~(Minnesota Statutes, section 18B.07, subdivision 3);~~ 4 (identification of maintenance of proper safeguards, according to MDA requirements as provided in parts 1505.3010 to 1505.3150, to prevent incidents); ~~(Minnesota Statutes, section 18B.07, subdivision 4);~~ 5 (identification of proper backflow prevention devices when public water supplies are used in filling pesticide application equipment); ~~(Minnesota Statutes, section 18B.07, subdivision 5);~~ 6 (identification of proper anti-backsiphoning devices when public waters are used for filling pesticide application equipment); ~~(Minnesota Statutes, section 18B.07, subdivision 6);~~ 8 (identification of proper disposal of pesticide containers); ~~(Minnesota Statutes, section 18B.07, subdivision 8);~~ 1 (confirmation of the holding of valid state permits for chemigation); ~~(Minnesota Statutes, section 18B.08, subdivision 1);~~ and 2 (identification of proper backflow prevention for chemigation systems); ~~(Minnesota Statutes, section 18B.08, subdivision 2);~~ 2, paragraph (a), (confirmation of the holding of valid permitting for bulk storage of pesticides); (Minnesota Statutes, section 18B.14, subdivision 3); ~~2, paragraph (a));~~ subdivisions 1 to 3 (confirmation of the holding of valid state dealer licensing for wholesale or retail sale of restricted use or bulk pesticides); and ~~(Minnesota Statutes, section 18B.31, subdivisions 1, 2, and 3);~~ 18B.32, subdivisions 1, 2, and 3; 18B.33, subdivisions 1 to 3; 18B.34, subdivisions 1 and 2; and 18B.36, subdivision 1 (confirmation of the holding of valid licensing or certification for commercial ~~(Minnesota Statutes, sections 18B.32, subdivisions 1 and 2; and 18B.33, subdivisions 1, 2, and 3) or nonecommercial (Minnesota Statutes, section 18B.34, subdivisions 1 and 2) application of pesticides; and private application of restricted use pesticides (Minnesota Statutes, section 18B.36, subdivision 1 or noncommercial or private application of restricted use pesticides).~~ All areas of the pesticide control law related to product registration, issuance of licenses or permits, or collection of pesticide-related fees or surcharges are retained by the department. Local units of government will not be allowed to ban the use or application of specific pesticide active ingredients or formulations. Ordinances by local units of government that prohibit or regulate any matter relating to the registration, labeling, distribution, sale, handling, use, application, or disposal of pesticides ~~is~~ are preempted by *Minnesota Statutes*, section 18B.02.

##### 1505.4020 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part and in *Minnesota Statutes*, section 18B.01, apply to parts 1505.4000 to ~~1505.4110~~ 1505.4130.

##### 1505.4030 PROCEDURE.

Subp. 2. **Resolution to develop a local control implementation proposal.** The governing body, council, or board of a local unit

of government that decides to develop a delegation agreement for the purpose of local implementation of the state pesticide control law must adopt a resolution to develop a local implementation proposal.

Subp. 3. **Notice of decision to develop proposal.** Within 30 days after adoption of a resolution to develop a local implementation proposal, the governing body or its agent must:

B. publish the resolution, as adopted, along with any description or supporting documents in a minimum of ~~two newspapers~~ one newspaper of general circulation that serve the geographic area affected. The resolution, description, or supporting documents must include a name, address, and telephone number of a contact person.

The commissioner shall, within ~~45~~ 30 days of receipt of a copy of the resolution, provide notification of the local unit of government's ~~decision~~ resolution to the general public through publication of a notice in the *State Register*.

Subp. 5. **Meetings with other local units of government.** A local unit of government developing a proposal under this part must conduct a meeting or meetings with all other local units of government who exercise authorities in the geographic area affected. This must be accomplished before submittal of the proposal to the department. The purpose of this meeting or meetings will be to inform and seek input from other local units of government ~~of~~ in an effort to gain consensus with those potentially affected by the planned local implementation program.

Subp. 9. **Review criteria.** The department shall review the local implementation proposal based on the criteria in items A to E ~~D~~.

A. ~~Does the proposed local implementation program fulfill the mandates of FIFRA?~~

~~B. Does~~ Is the proposed local implementation program ~~fulfill~~ consistent with the mandates of *Minnesota Statutes*, chapters 18B and 18D, and rules and orders of the department?

~~C. B.~~ Do staff identified to carry out the proposed local implementation program have the education, training, and experience required as identified in part 1505.4070?

~~D. C.~~ Has the local unit of government identified a funding source or sources for the proposed local implementation program and is funding adequate to carry out the program as proposed on an ongoing basis?

~~E. D.~~ Does the proposed local implementation program demonstrate consistency with department procedures and policies?

Subp. 10. **Notice of review.** The department shall, within ~~45~~ 30 days of receipt of a local implementation proposal, publish the local implementation proposal in the *State Register* for the purpose of the solicitation of outside opinion. The department may apply information received through this process in the review of the local implementation proposal. Consideration of outside opinion must be based on the same review criteria as the local implementation proposal.

Subp. 13. **Notice of adoption.** Within 15 days of adoption of the delegation agreement, the local unit of government ~~will~~ must notify the commissioner by sending a notarized copy of the adopting resolution. The department shall, within ~~45~~ 30 days of receipt of the copy of the adopting resolution, publish the delegation agreement in the *State Register* as a means of informing the general public. The local unit of government must publish a copy of the adopting resolution and provide notice of locations where the delegation agreement is available for public review.

#### **1505.4040 CONTENT OF LOCAL IMPLEMENTATION PROPOSALS.**

Subp. 3. **Map and description of geographic area affected.** A local ~~control~~ implementation proposal must contain a map describing the geographic area affected, its location within the state and county, and local geographic setting. The local implementation proposal must also, within the same section, contain a written description, by geographic indicator, of the area affected. The written description must, at a minimum, describe the boundaries of the affected area and may be a legal description.

Subp. 9. **Implementation procedures.** A local implementation proposal must outline the procedures to be followed in implementation of the proposed program. Implementation procedures must provide for:

E. demonstration of consistency with department ~~enforcement~~ procedures and policies.

Subp. 10. **Financial considerations.** A local implementation proposal must provide information describing the source of funding for the local implementation program. The funding source must be consistent with part 1505.4010, which stipulates that funds may not be collected from pesticide related fees or surcharges. This section must provide an estimate of the annual budget for the local implementation program and a detailed outline of disbursement of those funds in implementation of the program.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Adopted Rules

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### 1505.4050 CONTENTS OF DELEGATION AGREEMENT.

The local unit of government shall submit a delegation agreement as described in this part. The delegation agreement ~~may~~ **must** be based on ~~appropriate sections of the~~ **an approved** local implementation proposal. The department may produce and provide model delegation agreements to assist local units in the development of specific delegation agreements.

### 1505.4060 COORDINATION.

To ensure that there is no overlap in carrying out implementation of delegated authority, local units must coordinate activities in regard to local implementation. Two or more local units of government who exercise authorities within the same geographic area may not obtain delegation of the same ~~or separate~~ authorities for each of the local units. In cases where such a multiple delegation is requested, the department may require the local units involved to apply as a group formed under a joint powers agreement pursuant to *Minnesota Statutes*, section 471.59.

### 1505.4070 MINIMUM QUALIFICATIONS OF INSPECTION PERSONNEL.

Persons who perform the duties of implementation related to field surveillance, inspection, collection of samples, or other activities regarding the collection, preservation, and documentation of evidence are required to meet minimum requirements of education, training, and experience. The minimum requirement is a score of at least 70 percent on an experience and training rating administered by the department. The experience and training rating must have a possible total score of 100 percent. The experience and training rating must be based on the following criteria:

B. a bachelor's degree in agronomy, chemistry, ecology, entomology, horticulture, plant pathology, geology, hydrology, public health, environmental health, soil science, or a similar field of study; or

### 1505.4080 ENFORCEMENT.

The commissioner of agriculture has sole responsibility and authority for enforcement of the State Pesticide Control Law pursuant to *Minnesota Statutes*, chapter 18D. Any compliance issue or alleged violation referred from a locally implemented program to the department for enforcement ~~must~~ **shall** be reviewed, prioritized, and processed according to standards and timelines of the Agronomy Services Division, Enforcement Unit. Local units of government must be apprised of the disposition of a case referred from their respective local implementation program.

### 1505.4130 TERMINATION.

Subp. 2. **Notice of termination.** The department must publish notification of termination of a delegation agreement in the *State Register* within ~~45~~ **30** days of termination of the delegation agreement. The local unit of government must publish a notice of termination in one newspaper of general circulation within the affected geographic area within ~~45~~ **30** days of termination of the delegation agreement.



## Executive Department

### Executive Order 95-11 Providing Authority for the Minnesota Department of Natural Resources to Extend Certain Timber Harvesting Permits in Northern Minnesota Forests

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the State Constitution and the applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, on July 13 and 14, 1995, major wind storms severely damaged nearly 200,000 acres of forest in northern Minnesota; and

**WHEREAS**, the volume of timber that was blown down or damaged by the storm is estimated at 1.8 million cords; and

**WHEREAS**, salvage harvesting of the damaged and down timber must be accomplished during the next one and one-half to two years to prevent deterioration of the timber resource that would render the wood useless; and

**WHEREAS**, the salvage operation would be accomplished by timber operators who would normally be harvesting undamaged standing trees on state permits; and

**WHEREAS**, some of the state permits will expire within the next year or two years; and

**WHEREAS**, it is to the state's best interest and benefit to harvest the damaged timber in an expedient manner to recapture lost revenue for the state, to foster a healthy economy within the storm-damaged communities, to maintain improved public relations between state government and the timber industry, to reduce the fire hazard with the blown down area, and to improve regeneration and growth of some damaged stands;

**NOW, THEREFORE**, I hereby order that:

1. The Commissioner of Natural Resources is authorized to extend certain active state timber permits that are located in non-damaged areas that will expire on or before November 1, 1997, for only those permit holders who will actively be engaged in the salvage of storm-damaged timber and, further, that the extension of those permits be without penalty.
2. This order is issued notwithstanding *Minnesota Statutes* Sections 90.121(8); 90.151 Subd. 1(b); 90.191, Subd. 2; and 90.193.

Pursuant to *Minnesota Statutes* 1994, Section 4.035, Subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1994, Section 4.035, Subd. 3.

**IN TESTIMONY WHEREOF**, I have set my hand this 28th day of August, 1995.

Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

# Official Notices

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Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Agriculture

### Agronomy Services Division

#### Notice of Public Hearing to Disclose Proposed Future ACRRA Surcharges

Pursuant to *Minnesota Statutes* § 18E.03, Subd. 3 (1994), the Commissioner of the Minnesota Department of Agriculture (MDA), proposes to reduce the amount of the annual response and reimbursement fees (surcharges) for the Agricultural Chemical Response and Reimbursement Account (ACRRA) to the statutory base levels for the calendar year 1996. The reduction will effectively make the surcharges 50% less than the annual surcharges imposed for each of the last four calendar years.

The specific ACRRA surcharges for calendar year 1996 are detailed in the information that follows the announcement.

A public hearing to take testimony on the Commissioner of Agriculture's intention to reduce the amount of the ACRRA surcharges will be held in Conference Room 1 at 08:30 a.m. on September 20, 1995, at the MDA offices at 90 West Plato Boulevard, Saint Paul, Minnesota. All interested persons are cordially invited. Written comments may be sent by September 20, 1995 to: William L. Oemichen, Deputy Commissioner, Minnesota Department of Agriculture, 90 West Plato Boulevard, Saint Paul, Minnesota 55107.

This hearing precedes the normally scheduled ACRRA Board meeting, which begins at 09:00 a.m.

Should you require additional information, please call the ACRRA Program, (612) 297-4872, or (612) 297-3490.

- For pesticides registered under *Minnesota Statutes* 18B.26 (1994): a surcharge equal to 0.1 percent of sales of the pesticide in the state and sales of pesticides for use in the state during the period January 1, 1996 through December 31, 1996.
- For fertilizers, soil amendments, and plant amendments inspection fees, under *Minnesota Statutes* 18C.425 (1994): ten (10) cents per ton.
- For sites licensed under *Minnesota Statutes* 18B.31 (1994) - Pesticide Dealers; and for sites licensed under *Minnesota Statutes* 18C.415 and 18C.425 (1994) - Agricultural Fertilizer Dealers and Fertilizer Lawn Services: \$75 per license.
- For Structural Pest Control Applicator business license, under *Minnesota Statutes* 18B.32 (1994): \$50 per license.
- For Commercial Pesticide Applicator license, under *Minnesota Statutes* 18B.33 (1994): \$20 per license.
- For Non-Commercial Pesticide Applicator license, under *Minnesota Statutes* 18B.34 (1994): \$20 per license.
- For each site where pesticides are stored and sold for use outside the state: \$1000; unless,
  - (1) the distributor properly documents that it has less than \$2,000,000 per year in wholesale value of pesticides stored and transferred through the site; or
  - (2) the registrant pays the registration surcharge (see above) and the registration fee under section 18B.26, subdivision 3, for all of the pesticides stored at the site and sold for use outside of the state.

The MDA proposes to make the determination that reducing the amount of surcharge required to be paid to the statutory base levels is reasonable and necessary for the following reasons:

1. The ACRRA, by statute, must maintain an unencumbered balance of \$1,000,000.
2. The ACRRA balance, after the addition of 1995 surcharges collected from November, 1995, to March, 1996 is projected to be more than \$1,000,000 and less than \$5,000,000.
3. Reimbursements or payments expected to be ordered by the ACRRA Board during the next year are estimated to be \$1,200,000.
4. The majority of ACRRA surcharges for 1996, as detailed above, will not be collected until the period November 1996, to March 1997.
5. The Commissioner of the MDA, and the ACRRA Board, have been informed by persons required by statute to pay ACRRA surcharges that notification of determination of surcharge amounts is best managed, most acceptable and least objectionable to those affected if such determination and disclosure is made as soon as possible and no later than the end of any respective calendar year.

Persons desiring further information may contact the Minnesota Department of Agriculture at (612) 297-4872 or (612) 297-3490.

## **Department of Health**

### **Occupational and Systems Compliance Division**

#### **Notice of Informal Public Meeting to Discuss Second Draft of ECP Rules**

**NOTICE IS HEREBY GIVEN** that the Department of Health will hold an informal public meeting to discuss the second draft of rules governing Essential Community Providers (ECPs). The meeting will take place on September 20th from 8:30 a.m. to Noon in Room 300 South of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota.

All interested persons are invited to attend this meeting and provide us with their comments. In addition to the September 20th meeting, interested persons are encouraged to submit written comments concerning the draft ECP rules. Please send your written comments to Irene Goldman, Minnesota Department of Health, Metro Square, P.O. Box 64975, St. Paul, MN 55164-0975. Please be advised that, under the Administrative Procedures Act, *Minnesota Statute* Chapter 14, all written comments will become part of the public record.

If you need a copy of the second draft of the ECP rules, please call Marge Takash at 612-282-5615.

## **Department of Labor and Industry**

### **Labor Standards Division**

#### **Notice of Prevailing Wage Certifications for Commercial Construction Projects**

Effective September 11, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

**Clay:** Steam PRV Replacement-Academic-Moorhead; Steam PRV Replacement General Campus-Housing-Moorhead.

**Cass:** Longville Non-Directional Beacon-Longville.

**Hennepin:** Wayzata High School Bid Package 95069-Plymouth; Public Service Level Remodeling Hennepin County Government Center-Minneapolis; Lincoln Elementary School Improvements-Minneapolis; Kenwood & Fulton Elementary Schools-Minneapolis; Elevator Modernization Moos Tower University of Minnesota-Minneapolis.

**Polk:** Polk County-Crookston.

**Redwood:** Plot Equipment Storage Bldg-Lamberton.

**St. Louis:** Vermillion Motel-Cook.

**Wright:** Annandale E.C.F.E. Center-Annandale.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

## **Department of Labor and Industry**

### **Labor Standards Division**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Prevailing Wage Determinations**

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose rules relating to the determination of prevailing wage rates for state funded construction projects.

**Subject of Rules and Statutory Authority.** The proposed amendments change how the Department implements the prevailing wage statute which provides that persons employed on state funded construction projects be compensated according to the value of the work performed, and that the wages paid to laborers, workers, and mechanics be comparable to similar work in the community. The rules to be amended are for the procedures used to survey contractors and other interested parties in order to determine the minimum prevailing wage rates required on state funded construction projects. The purpose of the proposed amendments is to

## Official Notices

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provide a selection process to ascertain the number and value of projects utilized in the wage survey, to make wage determinations for commercial type construction projects once each calendar year, to define the area for highway and heavy type wage determinations as multi-county regions, to expand the existing list of trades and occupations used to determine prevailing wage rates, to provide a method to determine prevailing wage rates for labor classifications new to the construction market, and to provide a method to determine prevailing wage rates for labor classifications being used on a project, but not represented in the wage determination.

The Department has both general and specific rulemaking authority to adopt these proposed rules. *Minnesota Statutes* § 175.121(2) provides the Department's general rulemaking authority. Specific statutory authority regarding prevailing wages is found in *Minnesota Statutes* § 177.41 to 177.44.

**Parties Affected by the Rules.** The parties affected by the rules are construction workers, contractors, and units of state and local government engaged in state funded construction projects. Specifically the parties included are construction workers, laborers, and mechanics, equipment operators, skilled trades workers, building contractors, commercial construction contractors, highway and heavy construction contractors, contractor associations, trade unions, state agencies, local units of government, school districts and architectural and engineering firms.

**Comments and Agency Contact Person.** The Minnesota Department of Labor and Industry, Labor Standards Division, requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be mailed or faxed to:

Eric Oelker  
Labor Standards Division  
Minnesota Department of Labor and Industry  
443 Lafayette Road North  
St. Paul, Minnesota 55155  
FAX: (612) 215-0104

Oral statements will be received during regular business hours over the telephone at (612) 296-6452 and in person at the above address.

All statements or information will be accepted until further notice is published in the *State Register*. However, parties are encouraged to submit written comments before November 11, 1995.

The Department of Labor and Industry does not currently have a draft of the rules prepared. If you wish to receive a draft when it is prepared, or if you wish to be placed on the agency's workers' compensation rule mailing list, please contact the person listed above.

All written material shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 1 September 1995

Gary W. Bastian  
Commissioner

## Minnesota Property Insurance Placement Facility

### Notice of Meeting of the Governing Board

**NOTICE IS HEREBY GIVEN** that a meeting of the Governing Board of the Minnesota Property Insurance Placement Facility will be held at 9:00 a.m. on Wednesday, September 13, 1995 at the office of the Minnesota Property Insurance Placement Facility, 1201 Marquette Avenue, Suite 310, Minneapolis MN. For additional information please call 338-7584.

## Minnesota State Retirement System

### Board of Directors, Regular Meeting

The regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Thursday, September 14, 1995, at 9:00 a.m. in the office of the System, 175 W. Lafayette Frontage Road, St. Paul, Minnesota.

## **Department of Natural Resources**

### **Division of Waters**

#### **Notice of Solicitation of Comments Regarding Proposed Permanent Rules Relating to Floodplain Management**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources is seeking comments from sources outside the agency in preparing to propose the adoption of rules and the amendment of existing rules governing floodplain management.

**Subject of Rules and Statutory Authority.** Specifically, the proposed rule amendments on floodplain management will expand the scope of supplemental standards and criteria for flood control structures from strictly urban areas to any area protected by such a structure; make the current rule requirement for the height and design of proposed structural works less restrictive by generally bringing it into conformity with the current federal rule; and, define the criteria by which the Commissioner of the Department of Natural Resources may determine that a higher standard of protection may be required.

The adoption of these rules is authorized by *Minnesota Statutes*, sections 103F.141, 103F.135, and 103F.155.

**Parties Affected by the Rules.** The parties that will be affected by the rules are local governmental units, businesses and agricultural concerns.

**Small Business Considerations.** Comments are also being solicited as to any effect the rules might have on small businesses as defined under *Minnesota Statutes*, section 14.115, subdivision 1. The proposed rule revision should have little direct adverse impacts on small business. Any additional costs imposed by the requirement for an emergency operations plan should be offset by the less restrictive height requirement. The new rule will actually benefit small business by making it easier for flood control works to be constructed for protection of businesses behind levees, thereby reducing site development and insurance costs.

**Comments and Agency Contact Person.** The Minnesota Department of Natural Resources requests comments concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern orally or in writing.

Written statements should be addressed to:

Bret Anderson  
Department of Natural Resources  
Division of Waters  
500 Lafayette Road  
St. Paul, MN 55155-4032

Oral statements will be received during regular business hours over the telephone at (612) 296-4800 and in person at the above address. Drafts of the proposed rules may be obtained by contacting the agency contact person.

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity.

The department does not intend to establish an advisory task force on this issue. If no hearing is required, the rulemaking process is expected to be completed by February of 1996.

All statements of information and opinions shall be accepted through November 13, 1995. All written material received by the Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 11 September 1995

Rodney W. Sando, Commissioner  
Department of Natural Resources

## **Public Employees Retirement Association**

### **Board of Trustees, Notice of Meetings**

A meeting of the Board of Trustees of the Public Employees Retirement Association (PERA) will be held on Thursday, September 14, 1995, at 9:30 a.m. in the offices of the association, 514 St. Peter Street, Suite 200 - Skyway Level, St. Paul, Minnesota.

A meeting of the Disability Task Force Committee will be held prior to the Board meeting on Wednesday, September 13, 1995, at 1:00 p.m. in the offices of the association.

## Official Notices

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### Department of Public Safety

#### Crime Victims Reparations Board

#### Notice of Solicitation of Outside Information or Opinions Regarding the Proposed Amendments to the Minnesota Crime Victims Reparations Board Rules Governing Claims Procedures and Eligibility for Reparations

**NOTICE IS HEREBY GIVEN** that the Crime Victims Reparations Board is seeking information or opinions from sources outside the Board in preparing to propose an amendment to the rules governing claims procedures and eligibility for reparations. The Board proposes to amend *Minnesota Rules*, parts 7505.3100, 7505.3200, and 7505.3500. These rules parts govern loss of income, loss of support, and parents of child victims.

The amendment of the rules is authorized by *Minnesota Statutes*, sections 611A.56 which requires the Board to adopt rules governing "the method of practice and procedure before the Board, and prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings". These amendments will affect crime victims who apply for reparations for loss of income or of support. The Board does not intend to work with an advisory committee when drafting these rules amendments.

The Minnesota Crime Victims Reparations Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of these rules in writing addressed to:

Hope Jensen, Rules Coordinator  
Department of Public Safety  
444 Cedar Street  
Suite 100, Town Square  
St. Paul, Minnesota 55101-2156

A copy of this notice will be mailed to all parties who have registered their name with the Department for the purpose of notice of rulemaking activity. All statements of information and opinions will be accepted for sixty (60) days after this notice is published in the *State Register*. The Board expects to complete the rules project by early December 1995. Any written material received by the State Department of Public Safety shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 22 August 1995

Marie Bibus, Executive Director  
Minnesota Crime Victims Reparations Board

### Department of Transportation

#### Notice of Appointment of State Aid Variance Committee and Meeting Wednesday 20 September 1995

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, September 20, 1995 at 9:30 a.m. in Conference Room 194 Water's Edge Building, 1500 West County Road B-2, Roseville Minnesota, 55113.

This notice is given pursuant to *Minnesota Statute 47k.705*.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300 adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

**1. Petition of Douglas County** for a variance from *Minnesota Rules* as they apply to a proposed construction project on County State Aid Highway No. 164 in Osakis, Minnesota, to allow the eligibility of State Aid funds for a construction plan awarded prior to the required approval by the State Aid Engineer.

**2. Petition of Morrison County** for a variance from *Minnesota Rules* as they apply to a proposed bituminous resurfacing project on County State Aid Highway No. 1 in Randall, Minnesota, to allow a 37 MPH vertical curve, in lieu of the required 40 MPH minimum design speed.

**3. Petition of Kandiyohi County** for a variance from *Minnesota Rules* as they apply to the proposed bituminous rehabilitation project on County State Aid Highway No. 15 between Trunk Highway No. 23 and Business No. 71 in Willmar, Minnesota to allow the use of County Turnback Funds in excess of the allowable one-time project eligibility for a section of County State Aid Highway which has been turned back.

**4. Petition of the City of Corcoran** for a variance from *Minnesota Rules* as they apply to a proposed construction project on Municipal State Aid Street No. 113 (Schutte Road) in the City of Corcoran to allow the use of State Aid funds for the construction of drain tile, in lieu of the required construction design of ten ton.

The cities and counties previously listed are requested to follow the following time schedule when appearing before the Variance Committee:

9:30 a.m. Douglas County  
9:45 a.m. Morrison County  
10:00 a.m. Kandiyohi County  
10:15 a.m. City of Corcoran

Dated: 1 September 1995

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation

## Department of Transportation

### Petition of the City of Corcoran for a Variance from State Aid Requirements for CONSTRUCTION REQUIREMENTS

**NOTICE IS HEREBY GIVEN** that the Corcoran City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from Rules as they apply to a proposed drain tile construction project on Schutte Road (Municipal State Aid Street No. 113) in the City of Corcoran.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the eligibility of State Aid funds for the drain tile construction project on Schutte Road (Municipal State Aid Street No. 113 in Corcoran, Minnesota, in lieu of the required ten ton design standard.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 1 September 1995

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation

## Department of Transportation

### Petition of Kandiyohi County for a Variance from State Aid Requirements for TURNBACK FUNDS

**NOTICE IS HEREBY GIVEN** that the Kandiyohi County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from Rules as they apply to a proposed bituminous rehabilitation project on County State Aid Highway No. 15, between Trunk Highway No. 23 and Business No. 71 in Willmar.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2900, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the eligibility of County Turnback Funds for the bituminous rehabilitation project on County

## Official Notices

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State Aid Highway No. 15, between Trunk Highway No. 23 and Business No. 71 in Willmar, in lieu of the required termination of use of Turnback funds once used on a section of County State Aid Highway.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 1 September 1995.

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation

## Department of Transportation

### Petition of Morrison County for a Variance from State Aid Requirements for DESIGN SPEED

**NOTICE IS HEREBY GIVEN** that the Morrison County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to a proposed resurfacing project on County State Aid Highway No. 1 in Randall, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9925, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit a 37 mph design speed in lieu of the required 40 mph design speed on the proposed resurfacing project on County State Aid Highway No. 1 in Randall, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 1 September 1995.

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation

## Department of Transportation

### Petition of Douglas County for a Variance from State Aid Requirements for CONSTRUCTION REQUIREMENTS

**NOTICE IS HEREBY GIVEN** that the Douglas County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from Rules as they apply to a proposed construction project on County State Aid Highway No. 164 in Osakis, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to permit the eligibility of State Aid funds for the construction project on County State Aid Highway No. 164 in Osakis, Minnesota, for which a contract was awarded prior to the required approval of plan by the State Aid Engineer.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 1 September 1995

Patrick B. Murphy  
Division Director  
State Aid for Local Transportation



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## State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant 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 notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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### Department of Agriculture

#### Market Development and Promotion Division

##### Notice of Authority to Make Grants

The Minnesota Department of Agriculture announces its authority for fiscal year 1996 to make agricultural market development grants to encourage and promote marketing of Minnesota agricultural products as provided for in *Minnesota Statutes*, sections 17.101, subd. 2, and 17.102, and *Minnesota Rules*, chapter 1552.

Grant applications may be received throughout the fiscal year and awarded at such time as funds may become available. Publication of this notice does not obligate the Minnesota Department of Agriculture to award grant funds. Copies of the rules governing the program and other related application materials are available. The rules describe eligibility criteria, application content, application procedures. The grant award for any project may not exceed \$70,000, and the total of all grants to any grantee may not exceed \$70,000 for the biennium ending June 30, 1997. Other information may be obtained by contacting:

Chris Canaday  
Market Development and Promotion Division  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
(612) 297-4648

### Department of Corrections

#### Notice of Availability of Funds for Services to Abused Children in Rice County

The Minnesota Department of Corrections, Victims Services Unit, announces the availability of grant funds to establish services for abused children in Rice County. One grant for \$16,000 is available to provide community-wide services for the six-month period from January 1, 1996, through June 30, 1996.

Nonprofit organizations and local units of government are eligible to apply. The successful applicant may be eligible to apply for \$32,000 in FY97.

Applications are due on November 3, 1995. To receive a request for proposals that provides complete information and describes how to apply, contact: Cecilia Miller, Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, Minnesota 55108-5219 or call (612) 642-0251, (800) 657-3679 outside the Twin Cities metropolitan area or TDD at (612) 643-3589.

### Department of Human Services

#### Self-Sufficiency Programs Division

#### Refugee and Immigrant Services Section

##### Request for Proposals for Additional Social Services to Recent Arrivals from Viet Nam who are Former Political Prisoners

**NOTICE IS HEREBY GIVEN** that the Refugee and Immigrant Services Section, Self-Sufficiency Programs Division, Minnesota Department of Human Services, is seeking proposals to provide additional social services to recent arrivals from Viet Nam who are former political prisoners.

## Professional, Technical & Consulting Contracts

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We are seeking proposals for a one-year project that begins January 1, 1996.

Funding is from the federal office of Refugee Resettlement. The amount of funds available is \$34,367.

To be considered for funding, proposals must be post-marked or hand-delivered to the Refugee and Immigrant Services Section by 4:20 P.M., CDT, October 13, 1995. We reserve the right not to act on this Request for Proposals.

Please direct all questions and requests for copies of the full Requests for Proposals to:

Minnesota Department of Human Services  
Self-Sufficiency Programs Division  
Refugee and Immigrant Services Section  
Human Services Building  
444 Lafayette Road  
Saint Paul, Minnesota 55155-3837  
Phone: 612-296-1383

## Professional, Technical & Consulting Contracts

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Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

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## Department of Corrections

### Notice of Request for Proposal

The Minnesota Department of Corrections is accepting proposals from juvenile justice research agencies to study the profiles of juveniles placed at the Minnesota Correctional Facilities-Red Wing and Sauk Centre as specified in *Laws of Minnesota* 1995, Chapter 226, Article 3, Section 55.

The agency selected to perform the study will use a validated risk-assessment instrument that determines the level of risk a juvenile presents based on the seriousness of the offense and past delinquency history and assesses the juvenile's treatment needs. The study must specifically:

- Examine the type of offender placed in the facilities
- Make recommendations on whether current placement policy makes optimal use of the facilities
- If necessary, recommend changes in placement policies.

Proposals must conform to the following requirements:

- Five (5) copies of the proposal are required.
- All data must be presented on 8 1/2" by 11" sheets, soft bound or stapled. Not more than 25 pages single-sided of written material may be submitted.
- A cover sheet should indicate the proposal contact name(s), including address(es) and phone number(s).

Proposals must include the following information:

- Historical overview of agency, including experience in conducting juvenile justice research.
- Description of your evaluation plan. Include a description of proposed risk-assessment instrument.
- Time line and staffing for completion of major tasks.
- Total dollar amount of proposal, with a proposed project budget.
- Organizational chart for organization.
- Resumes of staff/consultants to be assigned to the project.

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## Professional, Technical & Consulting Contracts

The amount of the contract will not exceed \$50,000. The anticipated time frame for this activity is October, 1995 through January 1996.

Proposals must be received at the Minnesota Department of Corrections, Attention Mark D. Thielen, 1450 Energy Park Drive - #200, St. Paul, Minnesota 55108 by 4:00 p.m. on September 29, 1995. All proposals will be reviewed by a department appointed panel.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a six (6) percent preference in the evaluation of their proposal, and certified Economically Disadvantaged Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of four (4) percent preference in the evaluation of their proposal. For information regarding certification, contact the Materials Management Helpline (612) 296-2600 TTD (612) 282-5799.

Inquiries regarding this request for proposal may be directed to Mark Thielen, Assistant to Deputy Commissioner/Institutions at (612) 642-0257.

### Department of Human Services

### Department of Economic Security

### Minnesota State Colleges and Universities

#### Request for Proposals for Special Projects to Reduce Dependency on the Aid to Families with Dependent Children (AFDC) Program

The Minnesota Department of Human Services (DHS), in conjunction with the Minnesota Department of Economic Security (DES) and Minnesota State Colleges and Universities, is requesting proposals for special projects with their goal being the escape or avoidance of long-term dependency on Aid to Families with Dependent Children (AFDC) through prompt entry into employment. This request for proposal is authorized by *Minnesota Statutes* 1987, section 256.7363 based on the availability of funds. State funds available are approximately \$1,328,000.

The State has four major goals in making this funding available:

1. To be a catalyst for the development of new and innovative programs in both rural and urban areas of the state which demonstrate need and substantial multi-agency pooling of resources.
2. To establish selected experimental approaches to placing and retaining participants in immediate employment and to test their effectiveness.
3. To build on proven, effective employment programs, replicate them where appropriate and build the capacity of effective local organizations.
4. To have maximum impact on communities with large concentrations of long-term and potential long-term AFDC recipients.

Funding is available for new projects testing experimental employment approaches, projects replicating proven methods in the employment area, or established projects needing funding to add new service components.

Proposals will be accepted for counties, employment and training service providers, cities, local and state agencies, federally recognized Indian Reservations, K-12 school districts, post-secondary educational institutions, job training agencies, community-based organizations, displaced homemaker programs, and other non-profit agencies. Funding will be available from December 1, 1995, to June 30, 1997. Twenty-five percent (25%) of the proposed budget for each project must be provided from eligible matching sources.

At least two of the projects selected must be operated by or in cooperation with tribes or organizations representing ethnic minorities (*Minnesota Statutes* 256.7356, subd. 4).

This request for proposal does not obligate the state to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

## Professional, Technical & Consulting Contracts

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**Proposals must be received by October 25, 1995.** A letter of intent is necessary by October 10, 1995. Projects selected for funding will negotiate with the state for final funding conditions, but proposals cannot exceed \$150,000.

For a copy of the full Request for Proposal (RFP) or other questions or information, contact:

Susan Johnson  
Minnesota Department of Economic Security  
390 North Robert  
St. Paul, Minnesota 55101  
(612) 296-6060

## Department of Human Services

### Family and Children's Services Division

#### Recruitment of Child Foster Care and Adoptive Families

The Family and Children's Services Division, Minnesota Department of Human Services is soliciting proposals from county social services agencies, tribes, private non-profit agencies and community organizations to develop and implement recruitment and education efforts to increase the availability of foster care and adoptive families that reflect the ethnic and racial diversity of children in Minnesota when foster and adoptive homes are needed. The Commissioner of Human Services has allocated an annual total of \$59,000 for this project. Projects will begin December 1, 1995 and will continue through June 30, 1997.

Proposals in response to this RFP must be submitted according to the RFP application instructions. To obtain a copy of the application, please contact the Family and Children's Services Division, Minnesota Department of Human Services, telephone 612-297-3635. Upon request, this information will be made available in alternative format such as Braille, large print or audiotape.

A pre-application conference for applicants will be conducted at the Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota on September 26, 1995, at 1:00 p.m. in conference room 2A. It is not mandatory to attend the pre-application conference. If you have any questions, please feel free to call (612) 297-3635.

All applicants must provide six (6) copies of the completed proposal to the Family and Children's Services Division, attn: Charles Hawkins, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3832, no later than 4:00 p.m. on October 9, 1995.

Selection of the contractor(s) will be completed by November 10, 1995. The State reserves the right to make multiple awards under this RFP.

This RFP does not obligate the State to complete the project, the State reserves the right to cancel the solicitation if it is considered to be in its best interests.

#### Affirmative Action

In accordance with the provisions of *Minnesota Statutes*, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will be rejected unless it includes one of the following:

1. A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
2. A letter from Human Rights certifying that your firm has a current certificate of compliance.
3. A notarized letter certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.



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