

85, March 4

STATE REGISTER



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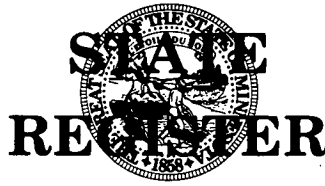
STATE OF MINNESOTA



VOLUME 9, NUMBER 36

March 4, 1985

Pages 1959-1982



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 9			
37	Monday Feb 25	Monday Mar 4	Monday Mar 11
38	Monday Mar 4	Monday Mar 11	Monday Mar 18
39	Monday Mar 11	Monday Mar 18	Monday Mar 25
40	Monday Mar 18	Monday Mar 25	Monday Apr 2

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
• Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before July 31, 1983 are published in the Minnesota Rules 1983. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 1983 due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The State Register publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue range and Issue number. Includes: Issues 1-13, inclusive (Issue 39, cumulative for 1-39); Issues 14-25, inclusive (Issues 40-51, inclusive); Issue 26, cumulative for 1-26 (Issue 52, cumulative for 1-52); Issues 27-38, inclusive.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Animal Health

Proposed Rules Relating to Importation of Bison and Elk

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to adopt the above entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21 through 14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules and such comments are encouraged. Any person requesting a public hearing should state his or her name and address and each comment should identify the portion of the rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if modifications are supported by data and views submitted to the agency and do not result in substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing on the proposed rule within the 30 days comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes section 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Robert G. Pyle
State Board of Animal Health
90 West Plato Blvd.
160 Agriculture Building
St. Paul, MN 55107
Telephone: (612) 296-2941

Authority for adoption of these rules is contained in Minnesota Statutes section 35.03 (1982). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information supporting the proposed rules has been prepared and is available from Robert G. Pyle upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted should submit a written statement of such request to Robert G. Pyle.

The rules proposed for adoption relate to the following matters: The importation of bison and elk into Minnesota.

A copy of the proposed rule is attached to this notice.

February 6, 1985

T. J. Hagerty, DVM
Executive Secretary
Board of Animal Health

Rules as Proposed (all new material)**1700.4800 IMPORTATION OF BISON AND ELK.**

Subpart 1. Health certificate. A person importing bison, meaning the species *Bison bison*, also known as American bison and buffalo, or elk, meaning the species *Alces alces*, including wapiti, must obtain a health certificate prepared by an accredited veterinarian indicating a negative intradermal tuberculosis test made on the animals within 60 days prior to entry. A copy of the health certificate must be sent to the board of animal health from the chief livestock health official of the state of origin.

Subp. 2. Quarantined animals. Bison or elk which are under quarantine or which originate from an area under quarantine may not enter Minnesota.

Department of Commerce**Proposed Emergency Rules Relating to Liquor Liability Assigned Risk Plans****Notice of Intent to Adopt Emergency Rules without a Public Hearing**

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled emergency rules. These emergency rules are promulgated pursuant to Minnesota Statutes, section 340.11 subdivision 23.

All interested persons may submit data and views on the proposed emergency rules for 25 days immediately following publication of this material in the *State Register* by writing to Richard G. Gomsrud, Department Counsel, (telephone 612/296-5689), Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. The emergency rules may be revised on the basis of comments received. Any written material received will become part of the record in the final adoption of the emergency rules. Pursuant to Minnesota Statutes, section 14.35 these emergency rules shall be in effect for a period of 180 days following adoption and approval by the Attorney General.

A free copy of the proposed emergency rules is available upon request to the Department of Commerce.

Notice of the date of submission of the proposed emergency rule to the Attorney General will be mailed to any person requesting to receive such notice. The Department has considered the impact of the proposed rules on small businesses, pursuant to Minn. Stat. 14.115 and determined that there would not be a significant impact.

Michael A. Hatch
Commissioner of Commerce

Emergency Rules as Proposed (all new material)

**CHAPTER 2783
DEPARTMENT OF COMMERCE
LIQUOR LIABILITY ASSIGNED RISK PLAN**

2783.0010 [Emergency] PURPOSE AND SCOPE.

This chapter governs administration of the liquor liability assigned risk plan established pursuant to Minnesota Statutes, section 340.11, subdivisions 21 and 23.

2783.0020 [Emergency] AUTHORITY.

This chapter is adopted under the authority of Minnesota Statutes, sections 45.023 and 340.11, subdivisions 21 and 23.

2783.0030 [Emergency] DEFINITIONS.

Subpart 1. Scope. For the purposes of this chapter, the terms defined in this part have the meanings given them unless the context clearly indicates a different meaning.

Subp. 2. Administrator. "Administrator" means the person or persons selected pursuant to part 2783.0040 [Emergency] to administer the assigned risk plan.

Subp. 3. Assigned risk plan. "Assigned risk plan" means the methods and procedures established pursuant to Minnesota

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.

PROPOSED RULES

Statutes, section 340.11, subdivision 23 to provide liquor liability coverage as required by Minnesota Statutes, section 340.11, subdivision 21 to those liquor vendors unable to obtain coverage through insurance companies.

Subp. 4. Commissioner. "Commissioner" means the commissioner of the Department of Commerce.

Subp. 5. Liquor vendor. "Liquor vendor" means any person required by Minnesota Statutes, section 340.11, subdivision 21 to demonstrate proof of financial responsibility.

Subp. 6. Loss. "Loss" means a demand for damages due or allegedly due on which some payment has been made or for which money has been reserved for actual or possible payment on the demand.

Subp. 7. Premium. "Premium" means the price charged to a liquor vendor for coverage under the assigned risk plan for a one-year period.

Subp. 8. Rate. "Rate" means the cost of coverage under the assigned risk plan per \$100 of annual liquor sales.

Subp. 9. Rating plan. "Rating plan" means the criteria for calculation of rates.

Subp. 10. Violation. "Violation" means any violation of Minnesota Statutes, sections 340.70 to 340.86.

2783.0040 [Emergency] ASSIGNED RISK PLAN ADMINISTRATION.

Subpart 1. Administrator. The assigned risk plan shall be administered by a qualified insurer or vendor of risk management services selected by the commissioner. If the commissioner deems it necessary, he or she may select more than one person to administer the assigned risk plan.

Subp. 2. Duties. The administrator shall perform all services necessary to accomplish the purposes of the assigned risk plan, including the servicing of policies of contracts of coverage, data management, and collection of assessments.

Subp. 3. Appeals. A liquor vendor adversely affected by a decision of the administrator may object to the decision by appealing to the commissioner within 15 days after the decision. The appeal must be made by letter mailed to the commissioner, with a copy to the administrator, within the 15-day period. The letter must include a summary of the administrator's decision from which the appeal is taken, the basis for objection to the administrator's decision, and any argument or evidence in support of the appeal. Within 15 days after receipt of the letter, the administrator shall file a response, including the basis for the administrator's decision and all argument and evidence in support of the decision. Within ten days after receipt of the administrator's response, the commissioner shall either affirm, reverse, or modify the administrator's decision as the commissioner deems appropriate.

2783.0050 [Emergency] ASSIGNED RISK COVERAGE.

Subpart 1. Generally. Eligibility for assigned risk coverage is subject to the terms and conditions of subparts 2 and 3.

Subp. 2. Minimum qualifications. A liquor vendor who has a current written notice of refusal to insure pursuant to Minnesota Statutes, section 340.11, subdivision 23, clause (2), is entitled to coverage upon making written application to the assigned risk plan, and paying the applicable premium, or required portion thereof.

Subp. 3. Disqualifying factors. A liquor vendor may be denied or terminated from coverage through the assigned risk plan if the liquor vendor:

A. applies for coverage for only a portion of the liquor vendor's statutory liability under Minnesota Statutes, section 340.11, subdivision 21;

B. has an outstanding debt due and owing to the assigned risk plan at the time of application or renewal arising from a prior policy;

C. refuses to permit completion of an audit requested by the commissioner or administrator;

D. submits misleading or erroneous information to the commissioner or administrator;

E. disregards safety standards, laws, rules, or ordinances pertaining to the offer, sale, or other distribution of liquor;

F. fails to supply information requested by the commissioner or administrator; or

G. fails to comply with the terms of the policies or contracts for coverage issued pursuant to the assigned risk plan.

Subp. 4. Notice. An application for coverage under the assigned risk plan must be granted or denied within ten days after receipt by the administrator of a properly completed application and any supplemental information requested by the administrator. A liquor vendor covered under the assigned risk plan must be given at least 30 days' notice of nonrenewal or termination of the coverage.

2783.0060 [Emergency] RATING PLAN.

ANNUAL RATES FOR 50/100/10/100 LIMITS
(per \$100 of Liquor Sales)

A. Rates for risks with three or fewer losses and/or violations in the past five years.

Classification	Rate
Restaurant and clubs (intoxicating liquor sales which are 50 percent of total receipts)	1.52
Bars, bowling alleys, combined on/off sale	1.89
Off-sale only	.42

B. Rates for risks with more than three losses and/or violations in the past five years.

Losses or violations	Rate
4	6.25
5	7.50
Each additional	Add \$1 for each

The commissioner may by order adjust the rates in this part if he or she deems it appropriate due to either or both past or prospective loss or expense experience, changes in applicable law, or changes in rates generally charged by insurers for liquor vendor liability insurance.

The commissioner may order that any certificate of coverage issued under this plan shall be subject to retroactive rebate, dividend, surcharge, or other charge pending the establishment of assigned risk plan rates and rules.

2783.0070 [Emergency] ASSESSMENTS.

In the event the commissioner deems it necessary to make an assessment pursuant to Minnesota Statutes, section 340.11, subdivision 23, clause (4), an assessed insurer must pay the assessment within 30 days of receipt of notice of the assessment. The commissioner may suspend or revoke an insurer's certificate of authority, and/or impose a civil penalty in an amount not to exceed \$5,000, for an insurer's failure to pay the assessment within the 30-day period.

2783.0080 [Emergency] ASSIGNED RISK PLAN ADVISORY COMMITTEE.

Subpart 1. Appointment. The commissioner shall appoint a committee to advise the commissioner regarding operation of the assigned risk plan. The committee shall be comprised of 11 members, four of which shall be insurers, one of which shall be a vendor of risk management services, two of which shall be insurance agents, two of which shall be liquor vendors, and two public members. The administrator and a representative of the commissioner shall be ex officio members of the assigned risk plan advisory committee.

Subp. 2. Meetings. The assigned risk plan advisory committee shall meet at such times as the commissioner may request.

2783.0070 [Emergency] REQUEST FOR INFORMATION.

Subpart 1. Commissioner's power. The commissioner may require a liquor vendor or insurer to provide the information as he or she deems appropriate to implement the provisions and further the purposes of the assigned risk plan.

Subp. 2. Administrator's power. The administrator may require a liquor vendor to provide such information as he or she deems appropriate to administer the assigned risk plan.

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

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 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.

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 Human Services

Adopted Emergency Rules Governing Exemption from Work and Registration Requirements

The rules proposed and published at *State Register*, Volume 9, Number 9, pages 412-414, August 27, 1984 (9 S.R. 412) are adopted with the following modifications:

Emergency Rules as Adopted

9555.3415 [Emergency] EXEMPTION FROM WORK REGISTRATION.

Subpart 1. Applicability. This part establishes the rights and responsibilities of the Department of Human Services, local agencies, and recipients of general assistance concerning an exemption from the registration and work requirements of part 9555.3403 ~~[Emergency]~~, and identifies the process for the annual redetermination of that exemption.

Subp. 2. The definitions in part 9555.3400 ~~[Emergency]~~ apply to this part.

Subp. 3. Exemption from registration and work requirements. A recipient of general assistance shall be exempt from the registration and work requirements of part 9555.3403 ~~[Emergency]~~, subparts 3 and 5 if the local agency determines that the recipient meets conditions in item A or B.

A. The recipient has one or more substantial barriers to employment. A substantial barrier to employment means that the ~~person~~ recipient is unable to effectively participate in preparing for, searching for, obtaining, or retaining suitable employment due to:

(1) exhibiting severe symptoms of a mental or emotional disability or chemical ~~abuse~~ dependency for which the ~~person~~ recipient refuses evaluation or treatment; and for purposes of this subitem, a condition may be severe whether it is of short- or long-term duration; or

(3) ~~the person's residence being living~~ more than two hours round trip from all potential suitable employment, exclusive of time needed to transport his or her children to and from child care, or the ~~person~~ recipient lacks and is unable to obtain needed public or private transportation to the employment site; or

(4) current involvement with protective or court-ordered services which prevent the ~~person~~ recipient from working at least four hours per day; or

(5) ~~the person's~~ circumstances, at the time of application for general assistance, that indicate that the need for general assistance will not exceed 30 days because of impending employment, an impending move to another state, or anticipated receipt of income; or

(7) the lack of available child care necessary for children in the ~~person's~~ recipient's assistance unit; or

(8) evaluation by a vocational specialist which finds the ~~person~~ recipient unable to obtain or retain suitable employment;

or

Subp. 4. Period of exemption. A recipient exempt from the registration and work requirements in subpart 3, item A, subitems (1) to (8), is exempt for a period of 12 months, ~~or until unless~~ the local agency determines can establish prior to the expiration of the exemption period that the recipient no longer meets or will no longer meet the conditions of subpart 3, item A, ~~whichever is earlier~~. A recipient exempt from the registration and work requirements ~~in pursuant to~~ subpart 3, item A, subitem (9), is exempt for a period of 30 days. A recipient exempt from the registration and work requirements ~~in pursuant to~~ subpart 3, item B, is exempt for a period of 12 months.

Subp. 5. Annual reassessment. A recipient's exemption from the general assistance registration and work requirements under subpart 3 shall be reassessed ~~annually or at prior to~~ the expiration of a ~~shorter~~ the exemption period specified in subpart 4.

OFFICIAL NOTICES

The local agency shall reassess ~~the~~ each recipient exempted under subpart 3, ~~item A~~ during the final month of exemption to determine if the recipient is exempt under subpart 3 or part 9555.3403, subpart 11. The reassessment must be completed by the end of the final month of exemption. If, at the time of the reassessment of exemption status, the local agency determines that the recipient meets the provisions of subpart 3, item A, the recipient shall be exempt for the period specified in subpart 4. If the local agency determines that the recipient is exempt pursuant to part 9555.3403, subpart 11, the recipient shall be exempt for the period specified in that part. If the recipient does not meet the exemption provisions of subpart 3, item A or B part 9555.3403, subpart 11, the recipient shall be subject to the registration and work requirements of part 9555.3403 ~~[Emergency]~~.

~~B. Upon expiration of the recipient's exemption under subpart 3, item B, the local agency shall refer the recipient to the commissioner of economic security as in part 9555.3403 [Emergency]. If the commissioner of the Department of Economic Security subsequently certifies in writing that the recipient lacks work skills or training or is unable to obtain work skills or training necessary to secure employment, the recipient shall be exempt under subpart 3, item B for another 12-month period.~~

Subp. 6. Referral to supportive service programs. A recipient who is exempt from the registration and work requirements ~~in~~ pursuant to subpart 3, ~~items~~ item A, subitems (1), (2), (7), (8), and (9); ~~and~~ or B, shall be offered referral to supportive service programs for assistance in overcoming the barrier to employment.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, 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.

County of Beltrami Ninth Judicial District

Notice of Filing Fees for County Law Library

Pursuant to Minnesota Statute 140.422, the Beltrami County Law Library Board of Trustees, with the approval of the Beltrami County Board of Commissioners, announces the setting of law library fees to be collected in the District, County, Probate, and Conciliation Courts of Beltrami County.

Civil Suits	
Plaintiff/Petitioner	\$6.00
Defendant/Respondent/Intervenor	\$6.00
Probate	
Petitioner (Formal Proceedings and Determination of Descent)	\$6.00
Conciliation	
Petitioner	\$6.00
Respondent	\$6.00
Petty Misdemeanor, Misdemeanor Traffic and Criminal Convictions	
Defendant	\$4.00

OFFICIAL NOTICES

Gross Misdemeanor Convictions Defendant	\$4.00
Felony Convictions Defendant	\$4.00

These fees will be in effect at and after 12:01 a.m., Monday, February 25, 1985.

February 12, 1985

Department of Finance

Maximum Interest Rate for Municipal Obligations, March, 1985

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of March will be eleven (11) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to twelve (12) percent per annum.

For further information contact:

Peter Sausen, Director
Debt Management
State of Minnesota
Department of Finance
(612) 296-8372.

Department of Labor and Industry Occupational Safety and Health Division

Notice of Eligibility for Final Approval Determination of State OSHA Program and of Proposed Revision to State Staffing Benchmarks; Extension of Comment Period

On January 28, 1985 (9 S.R. 1694) the Minnesota Department of Labor and Industry announced that the Federal Occupational Safety and Health Administration (Federal OSHA) was seeking comments concerning the eligibility of the Minnesota Occupational Safety and Health Program for final approval determination and the revised compliance staffing benchmarks. The comment period was to remain open until February 20, 1985.

Federal OSHA has extended that comment period to *March 22, 1985*. Written comments must be submitted in quadruplicate to: Docket Officer, Docket No. T-011, Room N3670, 200 Constitution Avenue N.W., Washington, D.C. 20210. A complete copy of the original Federal Register notice may be obtained by contacting: Patricia Lorentz, Occupational Safety & Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101; phone: (612) 297-3254.

February 19, 1985

Charles E. Current
Assistant Commissioner

Department of Human Rights

Outside Opinion Sought Concerning Proposed Rules Governing Processing of Discrimination Charges

Notice is hereby given that the Department of Human Rights is seeking information or opinions from persons or groups in preparing and amending rules governing case processing procedures.

The promulgation of these rules is authorized by Minnesota Statutes 363.05, subdivision 1 (8) (1984) which authorizes the commissioner to adopt suitable rules and regulations for effectuating the purposes of Chapter 363.

The Department of Human Rights requests information and comments concerning the subject matter of these rules, including comment on the issue of whether or not these rules and amendments are likely to have a qualitative or quantitative impact upon

small business as defined by Minn. Stat. § 14.115. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Eileen Shields
Management Services
Minnesota Department of Human Rights
500 Bremer Tower—7th and Minnesota Streets
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 297-2786.

All statements of information and comment shall be accepted until March 18, 1985. Any written material received by the Department of Human Rights shall become part of the record.

Department of Public Safety Driver and Vehicle Services Division

Outside Opinion Sought Regarding Proposed Rules Governing Standards for Administration of Driver Licensing Laws Pertaining to Alcohol and Controlled Substance Related Incidents

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to amend existing rules governing the revocation of drivers licenses, issuance of limited licenses, reinstatement of driving privileges and other administrative actions taken with respect to alcohol-related or controlled-substance-related incidents under Minn. Stat. 169.121, 169.123, and other related statutes.

The promulgation of these rules is authorized by Minnesota Statutes section 169.121, 169.123 and 169.128, which permits the agency to promulgate rules relating to motor vehicle drivers under the influence of alcohol or controlled substance.

The State Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Virginia Lockman
Department of Public Safety
Driver and Vehicle Services Division
161 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at 612-296-2001 and in person at the above address.

All statements of information and comment shall be accepted until April 1, 1985. Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

Paul J. Tschida
Commissioner of Public Safety

Department of Transportation

Petition of the City of Shakopee for a Variance from State Aid Standards for Recovery Area

Notice is hereby given that the City Council of Shakopee has made a written request to the Commissioner of Transportation pursuant to Minnesota rules § 8820.3300 for a variance from minimum standards for a reconstruction project on Fourth Avenue (MSAS 108) from County Road 83 to Shenandoah Drive.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9910 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a recovery area of 28 instead of the required 30 feet.

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

OFFICIAL NOTICES

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.

February 20, 1985

Ricahrd P. Braun
Commissioner of Transportation

State Council on Vocational Technical Education

Notice of Meeting

The State Council on Vocational Technical Education will meet at 1:00 p.m., on Thursday, March 5, 1985, in the Mounds Room at the Saint Paul Radisson Plaza Hotel, 411 Minnesota Street, Saint Paul.

Notice of Joint Meeting with the State Board of Vocational Technical Education The State Council on Vocational Technical Education and the State Board of Vocational Technical Education will meet in joint session at 12:00 noon on Tuesday, March 12, 1985 at Dakota County Area Vocational Technical Institute, County Road 42 at Akron Road, Rosemount.

Notice of Town Meeting

The State Council on Vocational Technical Education will conduct a town meeting at 7:15 p.m. on March 14, 1985 at Mankato Technical Institute, 1920 Lee Boulevard, North Mankato. The purpose of the town meeting is to provide the public with the opportunity to express its concerns about vocational technical education in Minnesota. The public is urged to participate.

Inquiries regarding meetings of The Council may be directed to The Council Offices at 612/377-6100.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-46501	Electronic Parts	Transportation	St. Paul	Contact buyer
29-001-08346	Electrofishing Boat & Trailer Pkg.	Natural Resources	Grand Rapids	Contact buyer
29-006-04256	Electrofishing Boat & Trailer Pkg.	Natural Resources	St. Paul	Contact buyer
07-100-33320	Purchase of Photocopy Machine	Public Safety	Public Safety	Contact buyer
78-550-04771	Repair Printing Press	MN Correctional Facilities—Industries	Lino Lakes	Contact buyer
21-602-83910	Furnish & install Van Lift	Vocational Rehabilitation	Minnetonka	Contact buyer
79-000-46365	Snow Buckets	Transportation	Duluth	Contact buyer

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Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-070-10886	Purchase of Computer & Accessories	Bemidji State University	Bemidji	Contact buyer
26-074-09876	Video Cassette Player	Winona State University	Winona	Contact buyer
79-000-46515	Controller	Transportation	St. Paul	Contact buyer
79-000-46532	Loop Sealent	Transportation	St. Paul	Contact buyer
26-072-09203	Photo Typesetting System	Moorhead State University	Moorhead	Contact buyer
79-100-03292, etc. Rebid	Dairy Scales	Transportation	St. Paul	Contact buyer
26-073-17253	Photographic Equipment	St. Cloud State University	St. Cloud	Contact buyer
07-300-33235, etc.	Cars	Various	Various	Contact buyer
79-400-RM	Ready Mix Concrete—Detroit Lakes	Transportation	Detroit Lakes	Contact buyer
34-000-04512	Office Chairs	Housing Finance Agency	St. Paul	Contact buyer
29-000-37260, etc. Sch. 92-BS	Outboard Motors Super Unleaded with 10% Ethanol (Gasohol)	Natural Resources Various	Various Various	Contact buyer Contact buyer
78-550-04772	Red Oak Fiber Board	MN Correctional Facility	Lino Lakes	Contact buyer
Contract; 75-200-06131	Rubbish Disposal	Veterans Affairs—Veterans Home	Minneapolis	Contact buyer
79-000-46554	Surveying Instruments	Transportation	RM. B-20 Trans. Bldg. Capitol Approach St. Paul	Contact buyer
Contract	Binding Library & Reference Books, Periodicals, Newspapers, & Paperback Books	State & Community Colleges		\$60,000-80,000
79-150-00364	Precast Concrete	Transportation	Virginia	Contact buyer
21-602-83911	Car	Economic Security—Vocational Rehabilitation	Minneapolis	Contact buyer
60-000-04161	Purchase of Tape Drive			Contact buyer
79-600-03355, etc. Contract	Plastic Spinners Gauze, Unsterilized, Second Quality	Transportation Administration—Central Stores	Various Central Stores	Contact buyer \$14,000-15,000
79-500-RM 43-000-05941	Ready Mix Concrete Linen Service	Transportation Iron Range Resources & Rehabilitation Board	Golden Valley Biwabik	Contact buyer Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Commerce

Request for Proposals for Risk Management Services

The Department of Commerce seeks proposals from insurers or vendors of risk management services who are licensed and qualified to act as service contractors on behalf of the Minnesota Liquor Liability Assigned Risk Plan.

The Department intends to contract with organizations to perform services and operations according to the specifications issued. The contract period will commence as soon as possible after selection of a service contractor has been made to continue for a three

STATE CONTRACTS

year period and through completion of any outstanding contract requirements. Interested parties should obtain the formal Request for Proposals from:

Rose M. Ortiz
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 297-1119

Proposals must be submitted by March 29, 1985.

Department of Education Division of Partnerships and Development

Availability of Federal Funds for Adult Education

The Minnesota Department of Education announces the availability of funds to subsidize Adult Education under Public Law 91-230, as amended.

The purpose of Public Law 91-230 is to expand educational opportunities for adults and to encourage the establishment of programs of adult education that will:

- “(1) enable all adults to acquire basic skills necessary to function in society,
- (2) enable adults who so desire to continue their education to at least the level of completion of secondary school, and
- (3) to make available to adults the means to secure training that will enable them to become more employable, productive, and responsible citizens.”

Applications for grants to carry out the purposes of this Act may be submitted by local educational agencies and by public or private non-profit agencies, organizations and institutions.

Application procedures and forms may be obtained after March 1, 1985 by writing to: Brian Kanes, Coordinator, Adult Basic and Continuing Education, Minnesota Department of Education, 639 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

All applications must be delivered to the Department of Education, Community Education Section on or before June 1, 1985.

Department of Education Division of Partnerships and Development

Availability of Federal Funds for Adult Education Special Experimental Demonstration Projects and Teacher Training

The Minnesota Department of Education announces the availability of funds to subsidize Special Experimental Demonstration Projects and Teacher Training under Section 310 of Public Law 91-230, as amended, whose purpose is to provide funds for:

- “(1) Special Projects which will be carried out in furtherance of the title and which:
 - (A) Involve the use of innovative methods, including methods of teaching persons of limited English speaking ability, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this title, or,
 - (B) Involve programs of adult education, including education of persons of limited English speaking ability, which are part of community school programs, carried out in cooperation with other federal, federally assisted, state, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems or people with educational deficiencies; and
- (2) Training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purpose of this title.”

Applications for grants to carry out the purposes of this Act may be submitted by local educational agencies and by public or private non-profit agencies, organizations and institutions.

Application procedures and forms may be obtained after March 1, 1985 by writing to: Brian Kanen, Coordinator, Adult Basic and Continuing Education, Minnesota Department of Education, 639 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

All applications must be delivered to the Department of Education, Community Education Section on or before June 1, 1985.

Department of Energy and Economic Development Governor's Council on Rural Development

Rural Development Grants Available

The Governor's Council on Rural Development is seeking applications from non-profit organizations, public institutions and agencies, units of government and special districts in the state for a new rural development grant program. The council's seed grant program will provide funds for new and innovative projects that benefit farmers, farm family members, or low-income rural residents. Projects must also address one or more of the council's goals in family farm and agricultural land protection; value-added processing and marketing for agricultural and forest products; or assistance to rural small businesses.

The seed grants are being made available to help local projects and programs leverage other public and private funds. Each grant is limited to no more than \$10,000 and a total of \$50,000 is available for all projects. The deadline for making application for the seed grant program is May 1, 1985. To receive a copy of the grant program guidelines and application form, contact:

Governor's Council on Rural Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: 612/296-3993

Department of Finance

Request for Proposals for Financial Advisor for Advanced Refunding of Minnesota State General Obligation Bonds

The Department of Finance seeks requests for proposals regarding the selection of a financial advisor for the advanced refunding of state of Minnesota general obligation bonds.

I. Introduction.

The state of Minnesota Department of Finance is considering the refunding of 3 issues of state general obligation bonds. The Department of Finance is seeking a financial advisor to assist in the sale of the refunding bonds. The three issues are:

<u>Date</u>	<u>Original Amount</u>	<u>TIC</u>
July, 1981	\$63,000,000	10.01%
May, 1982	\$62,000,000	10.33%
August, 1982	\$63,000,000	10.51%

II. Purposes and Duties.

The financial advisor would help the Department of Finance with those functions which are unique to a refunding issue. These would include, but not be limited to, the following:

- A. Computer generated reports to show the proposed structure of the refunding issue, sources and uses of funds, potential savings and estimated costs of issuance.
- B. Selection of the trustee.
- C. Selection of the accountants to verify the accuracy of the escrow account.
- D. Purchase of the state and local government securities from the Federal Reserve.
- E. Sizing of the refunding bonds on the day of the bid opening.

The financial advisor will not be expected to help in the writing of the official statement, preparing the bid forms, or assisting in the closing.

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III. Financial Factors.

A. Upfront Savings. The savings from the refunding should be in the early years.

B. Twenty Month Debt Service Transfer. Each November 1, the state must transfer to the Debt Service Fund an amount sufficient to pay all principal and interest through July 1 of the second ensuing year. The refunding bonds will require this transfer. The refunding must be structured so the transfer for the refunding bonds will not increase the amount of the transfer over that amount which would have been transferred for the refunded bonds on November 1, 1986 and November 1, 1987.

C. Percentages of Debt Outstanding. The state currently has \$1.1 billion in general obligation debt outstanding. Approximately 40% of this debt is due in 5 years and 70% due in 10 years. The refunding bonds must be structured, along with bonds sold for normal state capitol projects, so that on June 30, 1985, June 30, 1986 and June 30, 1987 this 40%-70% relationship can be maintained.

D. Length of Refunding Bonds. The refunding bonds should have their final maturity no later than 2002.

IV. Preparation of Financial Advisors Proposal.

Each Financial Advisor is to respond to the following:

A. A list of governmental agencies for which you served as a financial advisor for a refunding bond issue. You need to include only those refundings which you consider similar to the state's proposed refunding. Indicate:

- 1) Name of the governmental agency
- 2) Date of the refunding
- 3) Size of the refunding issue
- 4) Your role in the refunding

B. Your plan for the refunding of the state's general obligation bonds.

C. State your cost of providing the service. You must give a lump sum amount for providing all of the services. Also indicate the people from your firm who will be working on the refunding. Payment will be made from the proceeds of the sale.

D. Provide computer printouts showing your firm's computer capabilities for refundings.

E. Provide the name of a contact person within your company and a phone number.

V. Timetable.

The state expects that the refunding will occur in the spring of 1985.

VI. Information Contact.

For additional information contact:

Peter Sausen
Debt Management Director
Department of Finance
309 Administration Building
St. Paul, Minnesota 55155
(612) 296-8372

VII. Proposal Selection.

A. Nature of Procurement.

This procurement is undertaken by the state pursuant to the provisions of M.S. 16B.17. As such it is not governed by strict competitive bidding requirements frequently associated with the purchase of supplies and materials by the state. Accordingly, the state shall select the consultant whose proposal demonstrates clear capabilities to best fulfill the purposes of the RFP in a cost effective manner. The state reserves the right to accept or reject proposals in whole or in part and to negotiate to serve the best interests of the state of Minnesota.

B. Selection Criteria.

1. Knowledge of refundings.
2. Computer capabilities for refundings.
3. Costs.
4. Results of in person interviews.

VIII. Additional Proposal and Contract Requirements.**A. Duration of Offer.**

All proposals must indicate that they are valid for a minimum of ninety (90) days.

B. Public Status of Proposals Submitted.

Pursuant to Minnesota Law, all proposals submitted in response to this RFP shall become the property of the state of Minnesota. Such proposal shall also constitute public records and shall be available for viewing and reproduction by any person.

C. Contractual Terms.

The contract resulting from this procurement shall, in addition to terms negotiated by the parties, contain the terms and conditions set forth in state of Minnesota form 1051, which is attached as Exhibit A.

Lawyer Trust Account Board

Notice of Grant Cycle

July 1, 1985 to June 30, 1986

The Minnesota Supreme Court has established a program to use the interest on lawyer trust accounts to improve the delivery of legal services to the poor, to promote the development of law-related education for the public, and to develop programs to enhance the administration of justice.

The Lawyer Trust Account Board has announced a grant program to distribute funds to projects in any of three program areas. The Board will support not only traditional approaches, but will encourage projects which show innovative approaches to recognized needs throughout the state. The Board is soliciting proposals. For application information, contact the Executive Director, 318 Capitol, St. Paul, MN 55155. The application deadline is April 15, 1985.

2/19/85

Department of Natural Resources

Request for Proposals for Lake Use Study

The Department of Natural Resources is requesting proposals from highly qualified firms or individuals for a study of lake surface use in Minnesota. The study will include lakes over 150 acres in size in the counties of Mille Lacs, Aitkin and Crow Wing, including all of the lake surface of Gull and East Gull Lake. The goals of the survey are to:

1. Measure boater attitudes concerning safety-related issues such as:
 - a. Perception of lake crowding as related to boating safety.
 - b. Occurrence of specific safety problems.
 - c. Participation in boating safety courses.
 - d. Alcohol use by boat operators.
 - e. Awareness of boating use restrictions and perceptions of needed restrictions.
2. Describe boat/boater/boating characteristics such as:
 - a. Boat type, engine size.
 - b. Activity, boating time, fuel consumption.
 - c. Distance traveled by land and money spent on boating activities.
3. Evaluate access characteristics including:
 - a. Overall adequacy for launching and landing as perceived by boaters.
 - b. Problems encountered and improvements needed.
 - c. Identification of specific access features liked.

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4. Measure the volume boaters using accesses at different times in the season, times in a week, time of day and from different lake categories.
5. Ascertain the attitudes and use statistics of persons who reside on the lake in proportion to their use contribution.
6. Ascertain the volume boating use of the study area lakes, classified by source of access to the lake.

Interested parties may request a detailed request for proposal by writing to:

William H. Becker
Office of Planning
Department of Natural Resources
Box 10F
500 Lafayette Road
St. Paul, Minnesota 55146
Or call 296-3093.

Proposals are due in Mr. Becker's office at the Department of Natural Resources at 4 p.m. twenty one days following the publication of this request in the *State Register*.

Department of Transportation Division of Operations

Request for Proposals for On-the-Job Training for Women and Minority Group Members, and Managerial Assistance for Women and Minority-Owned Businesses Involved in Transportation-Related Fields

Four contracts totaling \$200,000 for on-the-job training for women and minority group members and for technical and managerial assistance for women and minority-owned businesses involved in transportation-related fields will be awarded by the Minnesota Department of Transportation (Mn/DOT).

The contracts are part of Mn/DOT's and the U.S. Department of Transportation, Federal Highway Administration's (FHWA) long-term efforts to increase the number of women and minorities in transportation-related occupations and enterprises.

The four contracts to be awarded are as follows:

—An on-the-job training program sponsored by the FHWA (\$40,000). The contractor will be responsible for recruiting and monitoring the hiring of unskilled people in the construction field with an emphasis on women and minorities.

—Two contracts (\$60,000 each) to provide managerial assistance in areas such as marketing, planning, cash flow management and personnel administration. (One contract will be awarded to assist firms in the northern half of Minnesota; one will be awarded to assist firms in the southern half of the State. The north-south demarcation is St. Cloud.)

—One contract (\$60,000) to provide engineering technical assistance statewide for women and minority firms. The contractor will help businesses with bonding for highway contracts, bidding and estimating, interpreting specifications and project management.

All of the contracts are for an, approximate, eight month period beginning April 15, 1985, and ending December 31, 1985. The Request for Proposal(s) can be obtained at the address below, or by contacting:

Sandra Vargas
Mn/DOT Assistant to the Commissioner for
Equal Employment Opportunity Contract Management
Minnesota Department of Transportation
John Ireland Blvd.
St. Paul, Minnesota 55155
(612) 297-3594

The deadline for submission of completed proposals is 4:30 p.m., Friday, March 22, 1985.
February 22, 1985

Richard P. Braun
Commissioner

SUPREME COURT

Decisions Filed Friday, February 22, 1985

Compiled by Wayne O. Tschimperle, Clerk

C1-84-1277 SHARE, Relator, v. The Commissioner of Revenue. Tax Court.

A health maintenance organization that provides health care on a non-profit basis to a cross section of the community but receives the bulk of its support from fees, provides no services to individuals who would otherwise turn to the government for such aid, and provides no services without charge, is not a "purely public charity" exempt from sales and use taxation pursuant to Minn. Stat. § 297A.25, subd. 1(p) (1984).

Affirmed. Peterson, J.

C3-83-1383 State of Minnesota, Petitioner, v. Ronald B. Stark. Carver County.

District court appeal panel erred in concluding that trial court erred in its instructions on driving while under the influence of alcohol and in its response to the jurors' questions during deliberations.

Reversed. Todd, J.

C1-83-698 State of Minnesota v. Von Shane Aune, Appellant. Ramsey County.

Under Minn. Stat. § 609.045 (1982), a prior federal prosecution bars a prosecution in this state only if the state prosecution is for the same act and if the state crime and the federal crime are the same both in law and in fact.

Trial court did not err in computing defendant's criminal history score for sentencing purposes.

Affirmed. Simonett, J.

ERRATA

Department of Economic Security

Correction of Proposed Rules Relating to Vocational Rehabilitation; Sheltered Workshops Certification and Funding

The following four paragraphs were inadvertently omitted from the February 18, 1985 (SR 1846) printing of the above-referenced rules. These paragraphs should be inserted into the text printed on page 1853, between: "A. Formula D" and Item "J." (also included for reference).

(REPRINTED)

A. Formula D is as follows:

Sum of disability indexes
for all participants placed
in competitive employment
during a 12-month period
beginning six months prior
to the reporting period and
continuing through the first
six months of the reporting
period who are employed
competitively six months
after placement and
have not returned to
the workshop for
training purposes during
that period

_____ =
Total number of
participants placed in
competitive employment
during the same 12-month

Rate of retention
in competitive
employment

B. Formula E is as follows:

Sum of the disability indexes
for all participants reported
in the previous reporting
period as competitively em-
ployed after six months who
were competitively em-
ployed 18 months after
placement and had not re-
turned to the workshop for
training purposes

_____ =
Total number of participants
reported competitively em-
ployed after six months in
previous reporting period

Rate of retention
in competitive
employment

(OMITTED)

period

Subp. 29. Responsiveness to grievances. "Responsiveness to grievances" means an assessment of whether (1) a grievance resolution procedure has been implemented with binding arbitration as its final step, (2) the education and training of participants in the use of the procedure has occurred, (3) the procedure has accommodated participants' disabling conditions, and (4) the grievances have been responded to in accordance with the approved procedure.

Subp. 30. Service hours. "Service hours" means the hours of service which an extended employment program provides to participants to maximize their vocational potential, whether paid or unpaid, which are recognized as an expense incurred by the program, and which may include, but are not limited to, the following:

- A. hours of money management training;
- B. hours in independent living skills;
- C. hours in utilizing public transportation and drivers training;
- D. hours in grooming and personal care skills;
- E. hours in job seeking skills;
- F. hours in job training and safety;
- G. hours in coordination of support services;
- H. hours in behavioral management;
- I. hours in sign language for hearing peers of deaf persons; or

(REPRINTED)

- J. hours in social skill training.

Subp. 31. Sheltered employee. "Sheltered employee" means an individual with severe physical, mental, emotional, and behavioral disabilities working for pay while participating in any extended employment program offered through a long-term sheltered workshop.

Department of Natural Resources Division of Minerals

Proposed Rules Relating to Peatland Reclamation: Correction of Previous Publication

Several typographical errors appeared in the December 3, 1984 issue of the *State Register*.

Part 6131.0150, subpart 5, item A (9 S.R. 1242) should read as follows:

A. Mining and reclamation maps and cross-sections containing all features normally found on a United States Geologic Survey quadrangle map, at a scale agreed upon by the applicant and the commissioner which:

Part 6131.0160, subpart 3, item B, subitem (2) (9 S.R. 1243) should read as follows:

(2) the beneficiating process, including a discussion of the type and amount of any chemicals to be added and the types, amount, and means of waste disposal; and

Part 6131.0190, subpart 5 (9 S.R. 1245) should read as follows:

Subp. 5. Review of annual report. After granting a permit to mine, the commissioner shall review the annual report required by part 6131.0160, to determine if it complies with the provisions of the permit to mine and parts 6131.0010 to 6131.0340.

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