

04 - 0263

November 25, 2003

The Honorable Tim Pawlenty
Governor, State of Minnesota

The Honorable James P. Metzen, Chair
The Honorable Steve Sviggum, Chair
Legislative Coordinating Commission

The Honorable Steve Smith, Chair
The Honorable Mary Murphy
House Judiciary Policy Finance Committee

The Honorable Ron Erhardt, Chair
The Honorable Joe Opatz
House Transportation Policy Committee

The Honorable William Kuisle, Chair
The Honorable Bernie Lieder
House Transportation Finance Committee

Ms Michele Timmons
Revisor of Statutes

The Honorable Leo Foley, Chair
The Honorable Dave Kleis
Crime Prevention and Public Safety Committee

The Honorable Jane B. Ranum, Chair
The Honorable Thomas M. Neuville
Senate State Government Budget Division

The Honorable Dean E. Johnson, Chair
The Honorable Mark Ourada
Senate Transportation Policy Budget Division

Subject: Annual Report on Obsolete, Unnecessary and Duplicative Rules Pursuant to
Minnesota Statutes, section 14.05, Subd. 5

Dear Sir or Madam:

Minnesota Statutes, section 14.05, Subdivision 5 requires that all agencies submit by December 1 of each year a list of any rules or portions of rules that are considered obsolete, unnecessary or duplicative of other state or federal statutes with a statement as to why the rule or portion of the rule falls under one of the above. Along with this list, each agency must either report a timetable for repeal of the identified rules or develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary or duplicative rule and identify the status of any rules deemed obsolete in the previous year's report. This report is to be submitted to the Governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency and the Revisor or Statutes.

I. 2003: Identified Obsolete, Unnecessary or Duplicative Rules or Portions of Rules

(1) Chapter 2915 Services for battered women

The Department has identified all of the rules in Chapter 2915 as obsolete because they conflict with administrative changes made in the organizational structure of the state's crime victims services office. The rules in Chapter 2915 governed victims services as it was structured under the Minnesota Department of Corrections. Those services were moved to the Minnesota Department of Public Safety and restructured in 1999. Repeal of these rules will not affect or

reduce services to battered women in any way. The Department hopes to have this issue resolved via rulemaking or legislation by 2006.

(2) Parts 7411.5100 to 7411.5700 Driver Improvement Clinics.

The Department of Public Safety has identified Parts 7411.5100 to 7411.5700 as obsolete. The agency does not administer these rules. The Department notes that persons who operate a vehicle while intoxicated are remanded to treatment by the agency. The Department also notes that persons who fail a road test four times are required, under Minnesota Statutes, section 171.04, subdivision 1, clause (8), to take six hours of behind-the-wheel driver education.

The Department hopes to have this issue resolved via rulemaking or legislation by 2005.

II. 2002: Identified Obsolete Rules – STATUS

(1) Part 7507.0400 Fees for the Emergency Response Commission

The Department of Public Safety identified 7507.0400 as containing obsolete language concerning collection of fees by the Emergency Response Commission.

At this time, the Department has not repealed this rule. The Department has initiated a legislative proposal to repeal this rule during the 2004 Legislative Session.

III. 2001: Identified Obsolete Rules -- STATUS

(1) 7506 Private Detective and Protective Agents (7506.0140, subpart 1; 7506.0140, subpart 2, items A and B; 7506.0140, subparts 3, 4 and 5)

The Department repealed these rules in Spring 2003.

Except for the rules listed above, the Department has identified no other obsolete, duplicative or unnecessary rules to date. The Department has a number of rulemakings in progress that will repeal any other obsolete, duplicative or unnecessary rules as they are identified.

Please note that the Peace Officers Standards and Training Board has identified to this Department that it has no rules that are obsolete, duplicative or unnecessary. They are included as a part the Department's report and will not be reporting to you separately.

Sincerely,

Richard W. Stanek
Commissioner

CC: Tim Leslie, Acting Deputy Commissioner
Laurie Beyer-Kropuenske, General Counsel