



Minnesota Department of **Human Services**

December 1, 2009

Governor Tim Pawlenty

Greg Hubinger, Director
Legislative Coordinating Commission

Michele Timmons, Revisor of Statutes

Senator John Marty, Chair
Senator Paul E. Koering, Ranking Republican
Senate Health, Housing and Family Security Committee

Senator Linda Berglin, Chair
Senator Michelle L. Fischbach, Ranking Minority Member
Senate Health, Human Services Budget Division

Representative Thomas Huntley, Chair
Representative Matt Dean, Lead GOP
House Health Care and Human Services Finance Committee

Representative Paul Thissen, Chair
Representative Jim Abeler, Lead GOP
House Health and Human Services Committee

Re: Annual Report from Minnesota Department of Human Services on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minnesota Statutes, section 14.05, subdivision 5

Minnesota Statutes, section 14.05, subdivision 5, states:

“By December 1 of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed

authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion."

The Department of Human Services has identified the following rules as obsolete.

Minnesota Rules, part 9560.0470. This provision addresses assistance for children under state guardianship, specifically the services available to children after age 16 and in some cases, age 18. Some of the language of this rule provision duplicates and partially conflicts with the procedures established by Minnesota Statutes, section 260C.212 and Minnesota Rules, part 9560.0660 governing services available to children after age 18. The Department will either use the obsolete repeal process established at section 14.3895 to repeal the obsolete language or use the exempt process established at section 14.388 to amend the language.

Minnesota Rules, Parts 9525.1580. This rule part governs the control and location of training and habilitation services licensed under parts 9525.1500 to 9525.1690. However, these referenced parts have been repealed and no longer govern the licensing of training and habilitation services. Therefore, part 9525.1580 is obsolete on its face and should be repealed. The Department will use the process established at section 14.3895 to repeal the obsolete rule part.

Minnesota Rules, Parts 9525.1800, subparts 1a, 1b, 8a, 14, and 19d; 9525.1810, subpart 2; 9525.1820, subpart 1a; 9525.1860, subparts 1 and 4; 9525.1890, subpart 6. These provisions contain obsolete language including: references to the Alternative Community Services (ACS) Waiver program (which longer exists), references to an obsolete methodology for the computation of leave day reimbursement, and references to repealed rule parts. The Department will use the obsolete repeal process established at section 14.3895 to repeal the obsolete references.

Minnesota Rules, Parts 9505.0015, subpart 23 and 9505.5000. These rule parts contain obsolete language citing to repealed rule parts. The Department will use the obsolete repeal process established at section 14.3895 to repeal the obsolete citations.

Status of Rules Identified for Repeal in 2008 Report

Minnesota Rules, Parts 9525.0750; 9525.0760; 9525.0770; 9525.0780; 9525.0790; 9525.0800; 9525.0810; 9525.0820; and 9525.0830. The Office of the Revisor has agreed to remove these provisions using its editorial authority since the authorizing legislation for these rule parts has been repealed.

Minnesota Rules, Part 9503.0075. The duplicative language in this rule part will be either repealed using the obsolete rule repeal process under section 14.3895 or amended using the exempt process under 14.388.

Minnesota Rules, Part 9505.0175, subpart 18. The obsolete language in this subpart is being addressed in the course of a project to amend part 9505.0323. These changes are expected to be completed during 2010.

Minnesota Rules, Parts 9500.1450, subpart 3; 9500.1452, subparts 2 and 3; 9500.1456; and 9500.1460, subparts 4 and 5. The obsolete language in these rules parts will be repealed using the obsolete rule repeal process under 14.3895 in early 2010.

If you have any questions about this report, please call me at (651)431-3611.

Sincerely,



Diane K. Krueger
Administrative Law Manager
Appeals and Regulations Division