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September 24, 2024

Governor Tim Walz
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Ron Latz, Chair
Senate Judiciary and Public Safety Committee
3105 Minnesota Senate Bldg.
St. Paul, Minnesota 55155

Representative Kelly Moller, Chair
Public Safety Finance and Policy Committee
509 State Office Building
St. Paul, Minnesota 55155

Representative Paul Novotny, Minority Lead
Public Safety Finance and Policy Committee
301 State Office Building
St. Paul, Minnesota 55155

Ms. Michelle Yurich, Executive Director
Legislative Coordinating Commission
100 Rev. Dr. Martin Luther King Jr. Blvd.
State Office Building, Room 72
St. Paul, Minnesota 55155-1206

Mr. Ryan Inman, Revisor
Office of the Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Senator Warren Limmer, Minority Lead
Senate Judiciary and Public Safety Committee
2221 Minnesota Senate Bldg.
St. Paul, Minnesota 55155

Subject: Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by Minnesota Statutes, Section 14.05, Subdivision 5

Dear Governor Walz, Executive Director Yurich, Legislators, and Revisor Inman:

Minnesota Statutes, section 14.05, subdivision 5, requires the Minnesota Department of Corrections (DOC) to report each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. This report represents information for the calendar year 2024.

As stated in the 2023 report, the DOC continues to amend the following rule chapters: 2900, 2911, 2955, 2960, and 2965. Any identified obsolete rules in these chapters will be removed during the standard rulemaking process.

Additionally, the department detailed that chapter 2940, the rule on the department's Hearings and Release Unit, contains mostly obsolete or unnecessary provisions. The DOC is exploring legislation for the 2025 legislative session to repeal the rule chapter or for legislative authorization to use expedited rulemaking authority to repeal the obsolete rule provisions.

For the department's other rule chapters, the following obsolete rule chapters have been identified:

- **Chapter 2905, the Community Corrections Act.** With expansive 2023 legislative changes to community supervision, much of this chapter is obsolete. Previously, the chapter applied only to Community Corrections Act counties, or counties that receive funds to operate community-based correctional programs. But in 2023, the underlying statutory chapter (Minnesota Statutes, chapter 401) was expanded to include Tribal Nations and the two other community-supervision systems: County Probation Officers and department supervision. By the end of fiscal year 2027, the department plans to amend this rule chapter and replace the obsolete provisions.

- **Chapter 2915, emergency shelter services, housing supports, and support services for domestic-abuse victims and their children.** In 1977, the legislature created this grant program for organizations that provide emergency shelter services, housing supports, and support services to domestic-abuse victims and their children. In 1981, the department adopted the corresponding rule chapter, which has not been amended since. But in 2014, the legislature created a new statutory section (section 611A.211) for the Department of Public Safety’s Office of Justice Programs to administer the grants. Yet the rule chapter and related statutory sections were not updated by the legislature at that time to reflect how the department no longer administers these grants. The statutory language that grants rulemaking authority should be updated by the legislature—transferring the responsibility for administering the chapter to the Department of Public Safety.
- **Chapters 2920, adult community-based residential correctional facilities and 2945, municipal jails.** The department has identified requirements in these two rule chapters that will become obsolete depending on the department’s 2911 rule proceeding. By the end of fiscal year 2027, the department plans to amend these rule chapters and replace the obsolete provisions.

The cost to prepare this report was approximately \$100.

If you have any questions regarding this report, please contact Kelly Haff, Acting Legislative Director, at 651-392-7602.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Schnell", with a long horizontal flourish extending to the right.

Paul Schnell, Commissioner

Cc: Legislative Reference Library