



Minnesota Department of **Human Services**

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December 1, 2003

Governor Tim Pawlenty

Representative Steve Sviggum, Chair  
Legislative Coordinating Commission

Michele Timmons, Revisor of Statutes

Senator Becky Lourey, Chair  
Senate Health and Family Security Committee

Senator Linda Berglin, Chair  
Senate Health, Human Services, and Corrections Budget Division

Representative Lynda Boudreau, Chair  
House Health and Human Services Policy Committee

Representative Fran Bradley, Chair  
House Health and Human Services Finance 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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."

**Department of Human Services staff have identified the following rule parts or subparts as obsolete or unnecessary in 2003:**

- **Various licensing provisions, including 9502.0315, subparts 22 and 30; 9503.0005, subp.25, 9503.0015, B., 9543.1020, subpart 2.G. and subpart 11.B. and C.; 9555.5105, subparts 6. and 30., 9555.6125, subpart 6; 9555.9600, subpart 3 and 9555.9730, subpart 2. are obsolete as a result of amendments to the Licensing Act, Chapter 245A.**

Many of these provisions are definitions that have been superceded by statutory language. The department intends to utilize the process outlined in Minn. Stat. 14.388, to repeal or amend the language of these provisions to bring them into conformance with statutory language. We expect to give notice of the proposed changes and submit them to the office of administrative hearings for review by February 1, 2004.

- **Minnesota Rules, parts 9545.1200 through 9545.1320 govern the licensing of Maternity Shelters.**

These rules are no longer applied. Facilities providing residential services to the covered population are licensed under other rule provisions. These provisions will be repealed as of July 1, 2005, pursuant to a repealer published September 2, 2003 at 28 SR 218.

- **Minnesota Rules, parts 3400.0235, governing the At-Home Infant Care Program is obsolete.**

This rule established eligibility and administration standards for the at home infant child care program authorized by Minnesota Statutes, §119B.061. This statutory provision was repealed in the 2003 legislative session, rendering the rules obsolete. The department will repeal the rule provision by June 30, 2004 using the process established in Minn. Stat. § 14.3895.

- **Minnesota Rules, parts 3400.0100, subpart 4.B. establishes the schedule of**

**copayment fees required for families receiving child care assistance. This schedule has been superceded by legislation.**

The schedule of copayment fees found in this rule part are obsolete as a result of a new schedule of fees provided in legislation. Laws 2003, First Special Session, Chapter 14, Article 9, Section 36. The department will repeal subpart 4.B. using the process established in Minn. Stat. 14.3895 or amend this subpart using the process established in Minn. Stat. 14.388. The subpart will be amended or repealed by August 31, 2004.

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**Status of Rules Identified for Repeal in 2003**

The December 1, 2002 report stated that Minnesota Rules, parts 9505.3010- 9505.3140 and parts 9505.3500-9505.3700 would be repealed through legislation. These rule parts were repealed effective July 1, 2003 by Laws 2003, First Special Session, Chapter 14, Article 2, Section 57.

The 2002 report also identified Minnesota Rules, parts 9505.0185 and 9505.0491, subparts 7 and 8 for repeal during the 2003 legislative session. The repeal of these rule parts was not included in legislation passed during the 2003 session. The department will utilize the process established by Minn. Stat. § 14.3895 to repeal these rule parts. The department will provide the required notice and publish the proposed repeal of these provisions by February 1, 2004.

If you have any questions about this report, please call me at 296-5571.

Sincerely,



Diane Krueger  
Administrative Law Manager  
Appeals and Regulations Division