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Commissioner

State of Minnesota
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November 30, 2007

To:

Governor Tim Pawlenty
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Mr. Greg Hubinger, Director
Legislative Coordinating Commission
72 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Senator Jim Vickerman, Chair
Senate Agriculture and Veterans
Budget and Policy Division Committee
226 State Capitol
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Senator Don Betzold, Chair
Senate Government Budget Division Committee
111 State Capitol
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✓ Ms. Michele Timmons, Revisor
Office of the Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Representative Lyle Koenen, Chair
Veterans Affairs Division Committee
439 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Representative Mary Ellen Otremba, Chair
House Agriculture, Rural Economies, and
Veterans Affairs Division Committee
Room 445 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, Minnesota 55155-1206

Representative Al Juhnke, Chair
House Agriculture, Rural Economies, and
Veteran Affairs Finance Division Committee
485 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Subject: The Minnesota Department of Veterans Affairs' (MDVA) 2007 Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by Minnesota Statutes, Section 14.05, Subdivision 5.

Dear Governor Pawlenty, Senators, Representatives, and Revisor Timmons:

Minnesota Statutes, section 14.05, subdivision 5, directs the Minnesota Department of Veterans Affairs (MDVA) to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

The MDVA has reviewed its rules and we found four rules and/or subparts, that are listed on ATTACHMENT: MDVA 2007 Obsolete Rules, which are obsolete, unnecessary or duplicative. We have found no others that have become obsolete, unnecessary, or duplicative over the course of the last year.

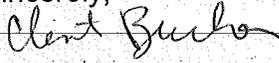
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Please let me know if I can provide further assistance.

Sincerely,



Clint Bucher,
MDVA Rules Officer
Minnesota Department of Veterans Affairs
206 Veterans Service Building
20 West 12th Street
St. Paul, Minnesota 55155
(651) 757-1568

Attachment: MDVA 2007 Obsolete Rules

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Rule 9055.0020 (State Soldiers Assistance Fund), **Subpart 7** (Inpatient chemical dependency treatment; eligibility).

It is the view of MDVA that **Subpart 7 (eligibility)** is unnecessary and duplicative. The State Soldiers Assistant Program (SSAP) is available for a veteran ("eligibility" established in MN Statute 197.447), regardless of whether or not the veteran is in a chemical dependency treatment program. The State Soldiers Assistance Fund is available to veterans, as outlined in Rule 9055.0020, and it is managed based upon an authorized "Schedule of Allowances", which is defined in MDVA Rules 9055.0015 (Definitions), Subpart 17 (Schedule of Allowances). Rule 9055.0020, Subpart 7 is duplicative of the authorized "Schedule of Allowances" method of providing assistance.

Therefore, MDVA Rule 9055.0020, Subpart 7 is unnecessary and duplicative.

MDVA recommends repeal of Rule 9055.0020, Subpart 7 (Inpatient chemical dependent treatment; eligibility).

Rule 9055.0080 (Appeal Procedure, Denial of Assistance), **Subpart 5** (Personal hearing).

It is the view of MDVA that **Subpart 5 is not necessary**, because currently a veteran has (granted in Subpart, 3) "the right to pursue a written appeal."

MDVA recommends repeal of Rule 9055.0080, Subpart 5 (Personal hearing).

Rule 9055.0080 (Appeal Procedure, Denial of Assistance), **Subpart 3** (Appeal options).

It is the view of MDVA that certain words/wordings referring to "personal hearings" in **Subpart 3** would be obsolete, if/when the above cited Subpart 5 were repealed.

MDVA recommends amending Rule 9055.0080, Subpart 3, by eliminating the references to "personal hearing as an appeal option." Thus, in Subpart 3, the following words should be struck, "either" and "or a personal hearing" as well as amending the Subpart 3 descriptive title to then read, "Appeal option", i.e. singular. **Therefore, MDVA recommends amending Rule 9055.0080, Subpart 3 to read as follows, "Subp. 3 Appeal option. An applicant may elect to pursue a written appeal."**

Rule 9055.0095 (State Soldiers Assistance Fund; Clothing allowance).

It is the view of MDVA that Rule 9055.0095 (clothing allowance) is an unnecessary and obsolete vehicle/means to address the clothing needs of veterans and/or their dependents. Rule 9055.095 requires that a clothing voucher payment be made to a third party vendor, and in the outstate areas, participant vendors are limited. Clothing vouchers reduce flexibility in meeting the needs of veterans. Rule 9055.0095 is obsolete and unnecessary. As authorized by Rule 9055.0015, Subpart 17 (Schedule of Allowances), the MDVA is able to make payment of SSAP funds directly to the veteran for her/his clothing needs and/or for his/her dependents' clothing needs. Thus, clothing and many other veterans' assistance needs are currently being addressed by use of the adopted SSAP's "Schedule of Allowances". Thus, Rule 9055.0095 is duplicative.

MDVA recommends repeal of Rule 9055.0095.