MINNESOTA
MDH
DEPARTMENT OF HEALTH

Protecting, maintaining and improving the health of all Minnesotans

November 24, 2008

Governor Tim Pawlenty

Greg Hubinger, Director
Legislative Coordinating Commission

Michele Timmons
Revisor of Statutes

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REVISOR OF STATUTES

Policy and Funding Committees and Divisions with
Jurisdiction over the Minnesota Department of Health

[A complete list of addressees is at the end of the letter.]

Subject: Annual Report 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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.

We have identified *no* Minnesota Department of Health (MDH) rule subparts as obsolete for this report.

In the last two years' reports, we identified the following sections of MDH rules as being obsolete, unnecessary, or duplicative:

2006 (1) Minnesota Rules 4626.2015, subparts 3(c) and 6(b) — Certified Food Manager certification fees are obsolete and duplicative because Minn. Stat. § 157.16 imposes different fees that supersede the rule.

MDH's many current rulemaking projects have precluded repealing these obsolete rules in 2008 as planned for our current every-other-year schedule. We, therefore, plan to accomplish this in 2009 using the expedited process for repealing obsolete rules under Minn. Stat. § 14.3895.

If you have any questions regarding this report, please contact me at:

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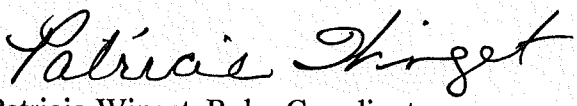
Department of Health
Orville L. Freeman Building
625 Robert Street North
Saint Paul, Minnesota 55164-0975
651.201.5748

Yours very truly,



Patricia Winget, Rules Coordinator
Minnesota Department of Health

This is a complete list of addressees for MDH's 2007 Annual Obsolete Rules Report.

Governor Tim Pawlenty

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

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

Senator Ellen R. Anderson, Chair
Senator Dennis R. Frederickson, Ranking Minority Party Member
Senate Environment, Energy and Natural Resources Budget Division Committee

Senator Ann H. Rest, Chair
Senator Chris Gerlach, Ranking Minority Party Member
Senate State and Local Government Operations and Oversight Committee

Senator Don Betzvold, Chair
Senator Claire A. Robling, Ranking Minority Party Member
Senate State Government Budget Division Committee

Representative Thomas Huntley, Chair
House Health Care and Human Services Finance Division Committee

Representative Karen Clark, Chair
House Housing Policy and Finance and Public Health Finance Committee

Representative Paul Thissen, Chair
House Health and Human Services Committee

Representative Jean Wagenius, Chair
House Environment and Natural Resources Finance Division Committee

Representative Kent Eken, Chair
House Environment and Natural Resources Committee

Representative Gene Pelowski, Jr., Chair
House Governmental Operations, Reform, Technology and Elections Committee

Representative Phyllis Kahn, Chair
House State Government Finance Division Committee

Representative Al Juhnke, Chair
House Agriculture, Rural Economies and Veterans Affairs Finance Division Committee

Representative Lyle Koenen, Chair
House Veterans Affairs Division Committee

Representative Joe Atkins, Chair
House Commerce and Labor Committee