

MINNESOTA DEPARTMENT OF

*Children
Families &
Learning*

**Review
and
Repeal of
Rules**

**Report to the
Legislature**

**As required by
Minnesota
Statutes 2000
14.05
Subd. 5**

COMMISSIONER:
CHRISTINE JAX, Ph.D.

**Review
and
Repeal of
Rules**

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Legislature**

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Minnesota
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Subd. 5**

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Upon request, this report can be made available in alternative formats.

ESTIMATED COST OF PREPARING THIS REPORT

This report provides information which is maintained and published as Minnesota Rules by the Office of Revisor of Statutes as a part of its normal business functions. Therefore, the cost information reported below does not include the cost of gathering the data but rather is limited to the estimated cost of actually analyzing the data, determining recommendations and preparing this report document.

Special funding was not appropriated for the costs of preparing this report.

The estimated cost incurred by the Minnesota Department of Children, Families & Learning in preparing this report is \$500.00.

December 1, 2000

Governor Jesse Ventura

Chair
Legislative Coordinating Commission

Michele Timmons
Revisor of Statutes

Chair
Ranking Minority Member
K-12 Education Budget Division

Chair
Ranking Minority Member
**Family and Early Childhood Education
Budget Division**

Chair
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Education Finance Committee

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Ranking Minority Member
Health and Family Security Committee

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**Health and Family Security Budget
Division**

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Ranking Minority Member
Human Resources Finance Committee

Chair
Ranking Minority Member
House Education Policy Committee

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Ranking Minority Member
House K-12 Education Finance Committee

Chair
Ranking Minority Member
**House Family & Early Childhood
Education Finance**

Chair
Ranking Minority Member
**House Health and Human Services
Finance**

Chair
Ranking Minority Member
House Health and Human Services Policy

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 the following rules as obsolete due to the repeal of the Aid to Families with Dependent Children Program and recent changes made to the Minnesota Family Investment Program:

- Minnesota Rules, part 3400.0020, subparts 2, 3, 6, 7, 21, 31, and 36 – Definitions
- Minnesota Rules, part 3400.0080, subparts 2 through 7 - AFDC Child Care Program
- Minnesota Rules, part 3400.0100, subpart 2 - Family Copayment Fee Schedule
- Minnesota Rules, part 3400.0140, subpart 12 - County Responsibilities
- Minnesota Rules, part 3400.0170, subpart 2 - Determination of Income Eligibility for Child Care Assistance

We have identified the following rules as unnecessary because they duplicate existing statutory definitions:

- Minnesota Rules, part 3400.0020, subparts 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 23, 29, 30, 32, 34, 42 – Definitions

The rules indicated above will be repealed as part of a rulemaking process currently in progress. The Dual Notice of Hearing regarding these rules will be published on December 26, 2000, and the hearing will be scheduled in early February. CFL anticipates that these obsolete and unnecessary rule parts will be repealed in late April or early May.

We have identified the following rules as unnecessary because they duplicate existing statutory definitions and rule parts:

- Minnesota Rules, part 3525.0020, subpart 2 – Definitions
- Minnesota Rules, part 3525.1510 – Personnel Variances

The rules indicated above will be repealed as part of a rulemaking process currently in progress. The Notice of Hearing regarding these rules will be published in early December, and the hearing will be scheduled for late January. CFL anticipates that these unnecessary rule parts will be repealed in late March or early April.

We have identified the following rules as obsolete because the federal Library Services and Construction Act no longer exists:

- Minnesota Rules, part 3530.2610 – Definitions
- Minnesota Rules, part 3530.2612 – Applications for Construction Grants
- Minnesota Rules, part 3530.2614 – Application Contents
- Minnesota Rules, part 3530.2616 – Application Dates
- Minnesota Rules, part 3530.2618 – Notice of Intent
- Minnesota Rules, part 3530.2620 – Regional Library System Assistance
- Minnesota Rules, part 3530.2622 – Regional Review

- Minnesota Rules, part 3530.2624 – Minimum Project Size
- Minnesota Rules, part 3530.2626 – Recent Construction Ineligible
- Minnesota Rules, part 3530.2628 – Maximum Grant
- Minnesota Rules, part 3530.2630 – Project Criteria
- Minnesota Rules, part 3530.2632 – Application Rating
- Minnesota Rules, part 3530.2634 – Project Priorities
- Minnesota Rules, part 3530.2636 – Construction Grants Review Committee
- Minnesota Rules, part 3530.2638 – Approval of Projects
- Minnesota Rules, part 3530.2640 – Hearings
- Minnesota Rules, part 3530.2642 – Grant Agreements
- Minnesota Rules, part 3530.2644 – Return of Grant Funds

In the agency's 1999 report, we identified Minnesota Rules, parts 3530.2610 through 3530.2644 as being obsolete. The Department of Children, Families & Learning requested that these obsolete rule parts be included in the repeal bill developed by the Senate K-12 Education Budget Division Committee and the House K-12 Education Finance Division Committee. However, the repeal bill did not pass out of the Conference Committee. As a result, CFL will attempt to repeal Minnesota Rules, parts 3530.2610 through 3530.2644 through the exempt rulemaking process pursuant to Minnesota Statutes, § 14.386 early in 2001.

If you have any questions regarding this report, please contact Tammy L. Pust, Assistant Commissioner at 651.582.8482.

Sincerely,



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MISSION

"Increasing the capacity of

Minnesota communities to

measurably improve the well being

of children and families."

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