

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 886

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 2-7-83
DATE FOR REVIEW 2-16-83
DATE DUE 2-22-83

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 2/17/83 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 2/8/83 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed (see S.R. and copies of existing rules being repealed)

✓ Order Adopting 1.26.83 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
12.15.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
12.20.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact but no changes.

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ StatementS of Need and Reasonableness — separate statements re each rule to be repealed

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

(Re no requests recd)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO LEONARD W. LEVINE, Commissioner of Public Welfare

DATE: 2/17/83

Attn: DIANNE MASTERS
Special Assistant Attorney General

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing the Pilot Program of Nonresidential Services for Mentally ill Persons, 12 MCAR 2.021; Community-Based Residential Services for Mentally Ill Persons, 12 MCAR 2.022; Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations, 12 MCAR 2.024; Reimbursement for Cost Care of (see below)

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
LDS/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

Mentally Retarded or Epileptic or Emotionally Handicapped Children, 12 MCAR 2.030; Administration of Work Equity Project, 12 MCAR 2.063; and Services to Unmarried Parents, 12 MCAR 2.170.

Department of Public Welfare

Support Services Bureau

Adopted Repeal of Rules Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons (12 MCAR S 2.021); Community-Based Residential Services for Mentaly Ill Persons (12 MCAR S 2.022); Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations (12 MCAR S 2.024); Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children (12 MCAR S 2.030); Administration of Work Equity Project (12 MCAR S 2.063); and Services to Unmarried Parents (12 MCAR S 2.170)

Rules as Adopted

Repealer. The following rules are repealed: 12 MCAR SS 2.021, 2.022, and 2.024; DPW 30; 12 MCAR SS 2.063, and 2.170.

APPROVED AS TO LEGALITY

February 17, 1983

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 17 1983

Secretary of State

2:40 PM

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

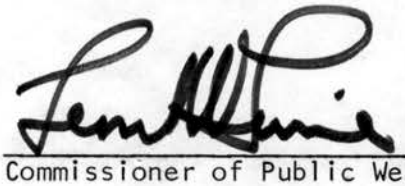
In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons, 12 MCAR 2.021; Community-Based Residential Services for Mentally Ill Persons, 12 MCAR 2.022; Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations, 12 MCAR 2.024; Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children, 12 MCAR 2.030; Administration of Work Equity Project, 12 MCAR 2.063; and Services to Unmarried Parents, 12 MCAR 2.170.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to repeal the above-entitled rules without a public hearing was published in the State Register on December 20, 1982, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on December 15, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 12 MCAR 2.021, 12 MCAR 2.022, 12 MCAR 2.024, 12 MCAR 2.030, 12 MCAR 2.063, and 12 MCAR 2.170 are repealed this 26 day of January, 1983, pursuant to authority vested in me by Minnesota Statutes §256.01.

STATE OF MINNESOTA



Commissioner of Public Welfare

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons, 12 MCAR 2.021; Community-Based Residential Services for Mentally Ill Persons, 12 MCAR 2.022; Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations, 12 MCAR 2.024; Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children, 12 MCAR 2.030; Administration of Work Equity Project, 12 MCAR 2.063; and Services to Unmarried Parents, 12 MCAR 2.170.

NOTICE OF INTENT TO REPEAL RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Public Welfare proposes to repeal the above-entitled rules without a public hearing. The Commissioner has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §15.0412, Subd. 4.h. (1980).

Persons interested in these rules shall have 30 days to submit comment on the repeal of these rules. The repeal of these rules may not take place if the continued effectiveness of these rules is supported by the data and views submitted to the agency.

Unless seven or more persons submit written requests for a public hearing on the repeal of these rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. §15.0412, Subd. 4.-4.f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Robert Hamper
DPW - 4th Floor
Centennial Office Building
St. Paul, MN 55155
612/296-2794

Any request for a public hearing should specifically indicate which rule a hearing is desired on.

Authority for the repeal of these rules is contained in Minn. Stat. §15.0412, Subd. 1, and Minn. Stat. §256.01, Subd. 2. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the repeal of these rules has been prepared and is available from Robert Hamper, DPW 4th Floor, Centennial Office Building, St. Paul, Minnesota 55155, 612/296-2794 upon request.

Before the final repeal of these rules without a public hearing, the rules proposed for repeal, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as repealed will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for repeal, should submit a written statement of such request to Robert Hamper.

The repeal of these rules will not result in any additional spending for local public bodies.

The need to repeal the above-entitled rules is as follows:

1. 12 MCAR 2.021 - The need for this rule has been eliminated because of amendments to the Community Social Services Act, Laws of 1981, Chapter 256E.06, Subd. 2. These amendments require the Commissioner of Public Welfare to terminate the making of separate categorical grants for community mental health pilot programs, effective December 31, 1982. Beginning January 1, 1983, funds appropriated for Rule 21 will be included in the individual county block grants for the provision of all community social services.

Rule 21 will be repealed on March 1, 1983, or five (5) working days after publication of the final notice in the State Register, whichever comes later.

2. 12 MCAR 2.022 - The need for this rule has been eliminated because of amendments to the Community Social Services Act, Laws of 1981, Chapter 256E.06, Subd. 2. These amendments require the Commissioner of Public Welfare to terminate the making of separate categorical grants for community-based residential programs for mentally ill persons, effective December 31, 1982. Beginning January 1, 1983, funds appropriated for Rule 22 will be included in the individual county block grants for the provision of all community social services.

Rule 22 will be repealed on March 1, 1983, or five (5) working days after publication of the final notice in the State Register, whichever comes later.

3. 12 MCAR 2.024 - The need to repeal this rule arises because the Laws of Minnesota 1979, Chapter 324, Section 46, repealed the funding provisions of the Laws of Minnesota, 1976, Chapter 125 effective January 1, 1980. Rule 24 (12 MCAR 2.024) was initially established to implement those funding provisions.

4. 12 MCAR 2.030 - The need for this rule has been eliminated because of Minnesota Statute 256E.06, Subd. 2 that requires cost of care appropriation to be folded into CSSA monies effective January, 1983. The purpose of 12 MCAR 2.030 is to govern the use of state monies in reimbursing counties for expenditures in residential and foster care for the mentally retarded or epileptic or emotionally handicapped children. Because of the fold in, all reimbursements will end by January, 1983, and consequently, the rule will have no value.

5. 12 MCAR 2.063 - The need for this rule has been eliminated due to the termination of the Work Equity Project. This rule was initially established to enable implementation of a federally authorized demonstration project of limited duration. The federal authority and funding for this project has since expired and the project has been terminated.

6. 12 MCAR 2.170 - The need for this rule has been eliminated by the promulgation of Rule 12 MCAR §2.222, Services to Pregnant Women and Mothers. DPW Rule 222 defines the criteria for pregnant women and mothers who have special needs, and the responsibility of local agencies to provide services to them. The criteria that are defined in DPW Rule 222 include unmarried parents and ensure that the same services will be provided as were required by DPW Rule 170.

Copies of this Notice and the rules to be repealed are available and may be obtained by contacting Robert Hamper.

Dated: 11-24-82

STATE OF MINNESOTA

ARTHUR E. NOOT
Commissioner of Public Welfare

HM-33

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons, 12 MCAR 2.021; Community-Based Residential Services for Mentally Ill Persons, 12 MCAR 2.022; Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations, 12 MCAR 2.024; Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children, 12 MCAR 2.030; Administration of Work Equity Project, 12 MCAR 2.063; and Services to Unmarried Parents, 12 MCAR 2.170.

ORDER FOR NOTICE OF INTENT TO REPEAL RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 3 day of December, 1982 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Welfare for that purpose and be published in the State Register.

STATE OF MINNESOTA

Judith E. Levine

Commissioner of Public Welfare

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons, 12 MCAR 2.021; Community-Based Residential Services for Mentally Ill Persons, 12 MCAR 2.022; Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations, 12 MCAR 2.024; Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children, 12 MCAR 2.030; Administration of Work Equity Project, 12 MCAR 2.063; and Services to Unmarried Parents, 12 MCAR 2.170.

AFFIDAVIT OF MAILING

Wendy Johnson, being first duly sworn, deposes and says:

That on the 15th day of December, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Repeal Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Public Welfare for the purpose of receiving notice of the proposed repeal of rules by this Department.

Wendy Johnson

Subscribed and sworn to before me

this 20 day of December, 1982.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons, 12 MCAR 2.021; Community-Based Residential Services for Mentally Ill Persons, 12 MCAR 2.022; Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations, 12 MCAR 2.024; Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children, 12 MCAR 2.030; Administration of Work Equity Project, 12 MCAR 2.063; and Services to Unmarried Parents, 12 MCAR 2.170.

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. §15.0412, subd. 4, that their names be placed on file with and maintained by the Department of Public Welfare for the purpose of receiving notice of the proposed repeal of rules by this Department is accurate and complete as of 4:00, P.M., this 15th day of December, 1982.



PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Public Welfare
Support Services Bureau

Proposed Repeal of Rules Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons (12 MCAR § 2.021); Community-Based Residential Services for Mentally Ill Persons (12 MCAR § 2.022); Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations (12 MCAR § 2.024); Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children (12 MCAR § 2.030); Administration of Work Equity Project (12 MCAR § 2.063); and Services to Unmarried Parents (12 MCAR § 2.170)

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the State Department of Public Welfare proposes to repeal the above-entitled rules without a public hearing. The commissioner has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4.h. (1980).

Persons interested in these rules shall have 30 days to submit comment on the repeal of these rules. The repeal of these rules may not take place if the continued effectiveness of these rules is supported by the data and views submitted to the agency.

Unless seven or more persons submit written requests for a public hearing on the repeal of these rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4.-4.f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Robert Hamper
DPW—4th Floor
Centennial Office Building
St. Paul, MN 55155
612/296-2794

Any request for a public hearing should specifically indicate which rule a hearing is desired on.

Authority for the repeal of these rules is contained in Minn. Stat. § 15.0412, subd. 1, and Minn. Stat. § 256.01, subd. 2. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the repeal of these rules has been prepared and is available from Robert Hamper, DPW 4th Floor, Centennial Office Building, St. Paul, Minnesota 55155, 612/296-2794 upon request.

Before the final repeal of these rules without a public hearing, the rules proposed for repeal, this notice, the statement of need and reasonableness, all written comments received, and the final rules as repealed will be delivered to the Attorney General for

review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for repeal, should submit a written statement of such request to Robert Hamper.

The repeal of these rules will not result in any additional spending for local public bodies.

The need to repeal the above-entitled rules is as follows:

1. 12 MCAR § 2.021—The need for this rule has been eliminated because of amendments to the Community Social Services Act, Laws of 1981, Chapter 256E.06, subd. 2. These amendments require the Commissioner of Public Welfare to terminate the making of separate categorical grants for community mental health pilot programs, effective December 31, 1982. Beginning January 1, 1983, funds appropriated for Rule 21 will be included in the individual county block grants for the provision of all community social services.

Rule 21 will be repealed on March 1, 1983, or five (5) working days after publication of the final notice in the *State Register*, whichever comes later.

2. 12 MCAR § 2.022—The need for this rule has been eliminated because of amendments to the Community Social Services Act, Laws of 1981, Chapter 256E.06, subd. 2. These amendments require the Commissioner of Public Welfare to terminate the making of separate categorical grants for community-based residential programs for mentally ill persons, effective December 31, 1982. Beginning January 1, 1983, funds appropriated for Rule 22 will be included in the individual county block grants for the provision of all community social services.

Rule 22 will be repealed on March 1, 1983, or five (5) working days after publication of the final notice in the *State Register*, whichever comes later.

3. 12 MCAR § 2.024—The need to repeal this rule arises because the Laws of Minnesota 1979, Chapter 324, Section 46, repealed the funding provisions of the Laws of Minnesota, 1976, Chapter 125 effective January 1, 1980. Rule 24 (12 MCAR § 2.024) was initially established to implement those funding provisions.

4. 12 MCAR § 2.030—The need for this rule has been eliminated because of Minnesota Statute 256E.06, subd. 2 that requires cost of care appropriation to be folded into CSSA monies effective January, 1983. The purpose of 12 MCAR § 2.030 is to govern the use of state monies in reimbursing counties for expenditures in residential and foster care for the mentally retarded or epileptic or emotionally handicapped children. Because of the fold in, all reimbursements will end by January, 1983, and consequently, the rule will have no value.

5. 12 MCAR § 2.063—The need for this rule has been eliminated due to the termination of the Work Equity Project. This rule was initially established to enable implementation of a federally authorized demonstration project of limited duration. The federal authority and funding for this project has since expired and the project has been terminated.

6. 12 MCAR § 2.170—The need for this rule has been eliminated by the promulgation of Rule 12 MCAR § 2.222, Services to Pregnant Women and Mothers. DPW Rule 222 defines the criteria for pregnant women and mothers who have special needs, and the responsibility of local agencies to provide services to them. The criteria that are defined in DPW Rule 222 include unmarried parents and ensure that the same services will be provided as were required by DPW Rule 170.

Copies of this notice and the rules to be repealed are available and may be obtained by contacting Robert Hamper.

November 24, 1982

Arthur E. Noot
Commissioner of Public Welfare

Rules as Proposed (all new material)

Repealer. The following rules are repealed: 12 MCAR §§ 2.021, 2.022, and 2.024; DPW 30; 12 MCAR §§ 2.063, and 2.170.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons, 12 MCAR 2.021; Community-Based Residential Services for Mentally Ill Persons, 12 MCAR 2.022; Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations, 12 MCAR 2.024; Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children, 12 MCAR 2.030; Administration of Work Equity Project, 12 MCAR 2.063; and Services to Unmarried Parents, 12 MCAR 2.170.

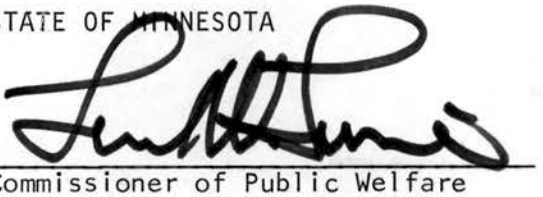
FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to repeal the above-entitled rules without a public hearing was published in the State Register on December 20, 1982, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on December 15, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules, I find the following:

The above entitled rules shall be repealed as proposed.

Note: There were no written comments received on the rules and there were no requests for a public hearing.

STATE OF MINNESOTA



Commissioner of Public Welfare

1-26-83
Date

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE DEPARTMENT OF PUBLIC WELFARE'S REPEAL OF 12 MCAR 2.021 (DPW RULE 21) GOVERNING ADMINISTRATION OF STATE GRANTS FOR A COMMUNITY MENTAL HEALTH PILOT PROGRAM

STATEMENT OF NEED AND REASONABLENESS

The need for this rule has been eliminated because of amendments to the Community Social Services Act, Laws of 1981, Chapter 256E.06, subd., 2. These amendments require the Commissioner of Public Welfare to terminate the making of separate categorical grants for community mental health pilot programs, effective December 31, 1982. Beginning January 1, 1983, funds appropriated for Rule 21 will be included in the individual county block grants for the provision of all community social services.

Rule 21 will be repealed on March 1, 1983, or five (5) working days after publication of the final notice in the State Register, whichever comes later.

11-19-82
Date

Arthur E. Noot
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE DEPARTMENT OF PUBLIC WELFARE'S REPEAL OF 12 MCAR 2.022 (DPW RULE 22) GOVERNING ADMINISTRATION OF STATE GRANTS FOR COMMUNITY BASED RESIDENTIAL PROGRAMS FOR MENTALLY ILL PERSONS

STATEMENT OF NEED AND REASONABLENESS

The need for this rule has been eliminated because of amendments to the Community Social Services Act, Laws of 1981, Chapter 256E.06, subd., 2. These amendments require the Commissioner of Public Welfare to terminate the making of separate categorical grants for community based residential programs for mentally ill persons, effective December 31, 1982. Beginning January 1, 1983, funds appropriated for Rule 22 will be included in the individual county block grants for the provision of all community social services.

Rule 22 will be repealed on March 1, 1983, or five (5) working days after publication of the final notice in the State Register, whichever comes later.

11-19-82
Date

Arthur Noot
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE DEPARTMENT OF PUBLIC WELFARE'S REPEAL OF 12 MCAR 2.024 GOVERNING THE DEVELOPMENT OF CHEMICAL DEPENDENCY PREVENTION, IDENTIFICATION AND REFERRAL PROGRAMS FOR AFFECTED EMPLOYEES, AND UNDERSERVED POPULATIONS

STATEMENT OF NEED AND REASONABLENESS

The need to repeal this rule arises because the Laws of Minnesota 1979, chapter 324, section 46, repealed the funding provisions of the Laws of Minnesota 1976, chapter 125 effective January 1, 1980. Rule 24 (12 MCAR 2.024) was initially established to implement those funding provisions.

Rule 24 will be repealed five (5) working days after publication of the final notice in the State Register.

11-19-82

Date

ARTHUR E. NOOT
COMMISSIONER

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Department of Public Welfare Repeal of Rule 12 MCAR 2.030 Reimbursement for the Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children

STATEMENT OF NEED AND REASONABLENESS

The need for this rule has been eliminated because of Minnesota Statute 256E.06, Subd. 2 that requires cost of care appropriation to be folded into CSSA monies effective January, 1983. The purpose of 12 MCAR 2.030 is to govern the use of state monies in reimbursing counties for expenditures in residential and foster care for the mentally retarded or epileptic or emotionally handicapped children. Because of the fold in, all reimbursements will end by January, 1983, and consequently, the rule will have no value.

Rule 12 MCAR 2.030 will be repealed five (5) working days after publication of the final notice in the State Register.

11-19-82
Date

Arthur E. Noot
ARTHUR E. NOOT
Commissioner

ET-29

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE DEPARTMENT OF PUBLIC WELFARE'S REPEAL OF 12 MCAR 2.063, ADMINISTRATION OF THE WORK EQUITY PROJECT

STATEMENT OF NEED AND REASONABLENESS

The need for this rule has been eliminated due to the termination of the Work Equity Project. This rule was initially established to enable implementation of a federally authorized demonstration project of limited duration. The federal authority and funding for this project has since expired and the project has been terminated.

Rule 12 MCAR 2.063 will be repealed five (5) working days after publication of the final notice in the State Register.

11-19-82
Date

Arthur E. Noot
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the matter of the
Department of Public Welfare
Repeal of Rule 12 MCAR 2.170
(DPW Rule 170), Services to
Unmarried Parents

Statement of Need
and Reasonableness

The need for this rule has been eliminated by the promulgation of Rule 12 MCAR §2.222, Services to Pregnant Women and Mothers. DPW Rule 222 defines the criteria for pregnant women and mothers who have special needs, and the responsibility of local agencies to provide services to them. The criteria that are defined in DPW Rule 222 include unmarried parents and ensure that the same services will be provided as were required by DPW Rule 170.

Rule 170 will be repealed five (5) working days after publication of the final notice in the State Register.

11-19-82
Date

Arthur E. Noot
ARTHUR E. NOOT
Commissioner

KT/03

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing the Pilot Program of Nonresidential Services for Mentally Ill Persons, 12 MCAR 2.021; Community-Based Residential Services for Mentally Ill Persons, 12 MCAR 2.022; Development of Chemical Dependency Prevention, Identification and Referral Programs for Affected Employees and Underserved Populations, 12 MCAR 2.024; Reimbursement for Cost of Care of Mentally Retarded or Epileptic or Emotionally Handicapped Children, 12 MCAR 2.030; Administration of Work Equity Project, 12 MCAR 2.063; and Services to Unmarried Parents, 12 MCAR 2.170.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Diane Masters, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Diane Masters
Special Assistant Attorney General

Dated: 2/17/83

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

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AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Robert J. Hamper, being first duly sworn, deposes and says:

That no requests were received to notify any persons or organizations when the above entitled matter is submitted to the Attorney General.

Robert J. Hamper

Subscribed and sworn to before me
this 27 day of January, 1983.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984