

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: August 6, 1990

TO: ANN WYNIA
Commissioner of Human Services

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-9421

SUBJECT: In the Matter of the Adopted Rule Relating to
State Financial Participation in County Welfare Administration Cost

The above-referenced rule has been approved as to its legality by the Attorney General on August 3, 1990.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

CBE:sc

Enclosures

cc: Deborah Huskins
William Brown, Chief Judge
MaryAnn Hruby

Department of Human Services

Adopted Permanent Rules Relating to State Financial Participation in County Welfare Administration Cost

Rules as Adopted

REPEALER. Minnesota Rules, parts 9580.0100, 9580.0200, 9580.0300, 9580.0400, 9580.0500, and 9580.0600 are repealed.

APPROVED AS TO FORM AND LEGALITY

August 3 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Cassely
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 3 1990 2:45

Joan Anderson Growe P.M.
Secretary of State

MJC

RULE REVIEW CHECKLIST

File No. 1717 — Docket No. 05.0009.0862

DATE RECEIVED 7-20-90 — ADOPTED W/O HEARING ✓

REVIEW DATE 7-30-90 — EMERGENCY RULE _____

DUE DATE 8-3-90 — Sent to Revisor 7/24/90

REVISOR APPROVED 8-1-90

APPROVED 8-3-90 mjc — REVISOR DISAPPROVED _____

DISAPPROVED _____ — FILED W/SEC. OF STATE 8/3/90

WITHDRAWN _____ — RETURNED TO AGENCY 8/6/90

✓ Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)
- _____ Date published in State Register
- _____ Comments

_____ Petition for Adoption of a Rule (if applicable)

_____ Board's Authorizing Resolution
- _____ Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule Chapter 719, Art. 8 Section 33 see my notes
- 256D.23 Statutory Authority
- NA Small Business Statement
- NA Expenditure of public money statement
- 4-17-90 Signature

✓ Statement of Need and Reasonableness (if applicable)
- NA Small Business Statement
- NA Fees - § 16A.128

_____ Affidavit of Mailing Notice of Intent to Adopt Rule
- 5-2-90 Date (30)/25 days before adoption
- un Notice attached indicates it is attached - is attached
- _____ Copy of rule or summary attached

✓ Publication in State Register
- May 7, 1990 Date (30)/25 days before adoption

_____ 180-day deadline from:
- _____ Effective date of law requiring rule (14.12) (both rules) Repeal uncertain how this applies
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

A Resolution Adopting
- _____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- June 19, 1990 Date

_____ Written requests, submissions or comments

✓ Declaration of attorney
- Deborah Hersken Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

Department of Human Services

Proposed Permanent Rules Relating to State Financial Participation in County Welfare Administration Cost

Rules as Proposed (all new material)

REPEALER. Minnesota Rules, parts 9580.0100, 9580.0200, 9580.0300, 9580.0400, 9580.0500, and 9580.0600 are repealed.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to State Financial Participation in County Welfare Administration Cost

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9580

The attached rules are approved for publication in the State Register

Kathleen T. Harrington
Assistant Revisor

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED REPEAL OF RULES OF THE DEPARTMENT OF HUMAN SERVICES GOVERNING STATE FINANCIAL PARTICIPATION IN COUNTY WELFARE ADMINISTRATIVE COSTS, MINNESOTA RULES, PARTS 9580.0100 TO 9580.0600

STATEMENT OF NEED AND REASONABLENESS

INTRODUCTION

The adopted rule parts 9580.0100 to 9580.0600 had provided property tax relief as a result of state financial aid for certain welfare administrative costs. The adopted rule parts also provided a method to calculate state reimbursement for county welfare administrative costs. The authority for the establishment of this rule was Minnesota Statutes, section 256D.22.

The above entitled rule repeal is authorized by Laws of Minnesota 1988, chapter 719, article 8, section 33, which repeals the statutory authority for this rule, Minnesota Statutes, section 256D.22.

The repeal of Minnesota Statutes, section 256D.22 was done in conjunction with the State takeover of certain Income Maintenance program costs. Legislative intent was that the county increase in administrative costs would be more than offset by the county reduction in responsibility for Income Maintenance program costs.

RULE PROVISIONS

The above entitled rules are affirmatively presented by the department in the following narrative in accordance with the provisions of the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Attorney General's Office.

The repeal of rule parts 9580.0100 to 9580.0600 is necessary and reasonable since its statutory authority, Minnesota Statutes, section 256D.22, has been repealed by Laws of Minnesota 1988, chapter 719, article 8, section 33. The repeal of section 256D.22 was effective January 1, 1990. Provision by provision justification for repealing these rule parts is not necessary since authority for the entire rule no longer exists.

EXPERT WITNESSES

If this rule should go to public hearing, the Department does not plan to have outside expert witnesses testify on its behalf.

SMALL BUSINESS

The proposed rule amendments do not affect small businesses as defined in Minnesota Statutes, section 14.115.

DATE: 4-17-90

ANN WYNIA
Commissioner

Stat. Authority 256D.22
- pertains to Reimbursement of Counties by State relating to public assistance
no authority to ~~make or repeal~~ rules
Notice of Intent indicates 256D.22 as authority for adoption of the rule. (attached)

- authority for repeal is stated as Laws of MN Chapter 719, Article 8, Section 33 - should have stated which Laws of MN in the Notice of Intent

~~Laws~~ which ~~law~~ Laws are stated in the Statement of Need

Uncertain of 180 (14.12) deadline
- N/A - doesn't mandate repeal of rules
Laws in 1988 said the Minn Stat 256D.22 should be repealed. Shouldn't they have done it in 180 days. I read 14.12 doesn't apply to repeal of rules or ~~from~~ making rules

only repeal of statute

7 Supplement, section 393.07, subdivision

'AMP PROGRAM. (a) The county welfare the food stamp program pursuant to rules es, the supervision of the commissioner as ederal laws and regulations. The commis- itor food stamp program delivery on an nty complies with federal laws and regula- nonitored include, but are not limited to, pprovals, number of cases pending, length plication and deliver benefits, number of ıce, length of time required to process and of terminations and reasons for termina- composition and income level and sources, ıd home visits. The commissioner shall tatewide participation rate. The commis- activities on a county-by-county basis in a July 1 each year. This monitoring activity t evaluation survey sample required under

commissioner of human services shall county food stamp program participation a different agency to administer the food gency administering the program fails to ticipation rate among families or eligible laws and regulations governing the food ll review agency performance annually to aph.

~~all participate in a food stamp quality n of the commissioner of human services~~

following acts has violated section 256.98 and civil penalties provided under that

or aids or abets any person to obtain by r representation, or intentional conceal- which the person is not entitled or in an person is entitled; or

ted, coupons for payment or redemption ransferred or used in a manner contrary

stamp coupons or authorization to pur- existing state or federal law.

Sec. 32. **TRANSFER OF COUNTY FOOD STAMP QUALITY CONTROL SYSTEM EMPLOYEES.**

(a) All positions covered by the Minnesota merit system located in Crow Wing county family social service center and in the Redwood county welfare department classified as food stamp corrective action specialist I and II and as financial assistant supervisor I, if the positions supervise food stamp corrective action specialists, are transferred to the department of human services and become state civil service positions.

(b) All incumbent employees affected by this transfer, who choose to transfer to state civil service positions in the department of human services, must be transferred with no reduction in salary. Salaries of individual employees who transfer must be adjusted to the minimum salary or to the nearest equal or higher step on the state compensation plan for their class, whichever is greater.

(c) Existing sick leave and vacation accruals for an employee who transfers must be transferred to the department of human services and the employee shall accrue additional vacation and sick leave under the provisions of the appropriate state collective bargaining agreement based on the employee's years of service in either Crow Wing county family service center or in the Redwood county welfare department.

(d) If an employee who transfers chooses to retain the county coverage for employee and dependent health, dental, and life insurance, the department of human services shall reimburse the employee for one month of continued enrollment in the health, dental, and life insurance plans in an amount equal to what their former county employer would have paid for the coverage had the employee remained a county employee, until the employee is eligible for coverage under the state insurance plans.

(e) Classification seniority for an employee who transfers must be calculated according to the provisions of the appropriate state collective bargaining agreement based upon the employee's years of service in the county merit system.

Sec. 33. **REPEALER.**

Minnesota Statutes 1986, section 256.965; and Minnesota Statutes 1987 Supplement, section 256D.22, are repealed.

Sec. 34. **HUMAN SERVICES; APPROPRIATIONS.**

$1,655,500 is appropriated from the general fund to the commissioner of human services for the purposes indicated.

(a) $990,000 is for the county incentive fund, to be available until June 30, 1991.

(b) $110,000 is available beginning June 1, 1989, to convert county food stamp quality control staff to state employment.

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Repeal of the Rule of the State Department of Human Services Governing State Financial Participation in County Welfare Administrative Costs, Minnesota Rules, parts 9580.0100 to 9580.0600

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Nancy Bishop, being sworn says:

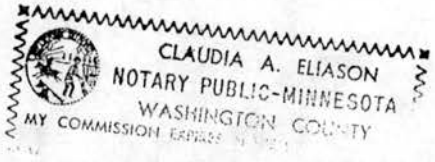
I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Department of Human Services rulemaking mailing list which is accurate, complete, and current as of this 2nd day of May, 1990.

That on the 2nd day of May, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Repeal a Rule without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Nancy L. Bishop

Subscribed and sworn to before me
this 2 day of May, 1990

Claudia A. Eliason



DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED REPEAL OF THE RULE OF THE STATE DEPARTMENT OF HUMAN SERVICES GOVERNING STATE FINANCIAL PARTICIPATION IN COUNTY WELFARE ADMINISTRATIVE COSTS, MINNESOTA RULES, PARTS 9580.0100 TO 9580.0600

NOTICE OF INTENT TO REPEAL A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to repeal the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for repealing rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority for the adoption of the rule was Minnesota Statutes, section 256D.22. The authority for the repeal of the rule is Laws of Minnesota, chapter 719, article 8, section 33.

All persons have 30 days or until 4:30 p.m. on June 6, 1990, in which to submit comment in support of or in opposition to the proposed rule repeal or any part or subpart of the rule repeal. Comment is encouraged. Each comment should identify the portion of the proposed rule repeal addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule repeal addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

The proposed rule repeal may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule repeal as noticed.

Minnesota Rules, parts 9580.0100 to 9580.0600 were authorized by Minnesota Statutes, section 256D.22 and had provided property tax relief as a result of state financial aid for certain welfare administrative costs. The adopted rule parts had also provided a method to calculate state reimbursement for county welfare administrative costs. Rule parts 9580.0100 to 9580.0600 affected county agencies.

The repeal of rule parts 9580.0100 to 9580.0600 is authorized by Laws of Minnesota 1988, chapter 719, article 8, section 33, which repealed Minnesota Statutes, section 256D.22.

The repeal of Minnesota Statutes, section 256D.22, was done in conjunction with the State takeover of certain Income Maintenance program costs. Legislative intent was that the county increase in administrative costs would be more than offset by the county reduction in responsibility for Income Maintenance program costs.

A free copy of the rule is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

Date: 4-17-90

ANN WYNIA
Commissioner

the five years immediately preceding the appointment, employed by a Minnesota public school district or a Minnesota public school district consortium that is authorized by *Minnesota Statutes* and who is licensed in communication disorders by the Minnesota Board of Teaching.

(4) Two audiologists registered under parts 4750.0010 to 4750.0700, one of whom is currently and has been, for the five years immediately preceding the appointment, engaged in the practice of audiology in Minnesota and each of whom is employed in a different employment setting including, but not limited to, private practice, hospitals, rehabilitation settings, educational settings, industry, and government agencies.

Subp. 2. **Organization.** The advisory council shall be organized and administered under *Minnesota Statutes*, section 15.059.

Subp. 3. **Duties.** The advisory council shall:

A. advise the commissioner regarding speech-language pathologist and audiologist registration standards;

B. advise the commissioner on enforcement of parts 4750.0010 to 4750.0700;

C. provide for distribution of information regarding speech-language pathologist and audiologist registration standards;

D. review applications and make recommendations to the commissioner on granting or denying registration or registration renewal;

E. review reports of investigations relating to individuals and make recommendations to the commissioner as to whether registration should be denied or disciplinary action taken against the individual;

F. advise the commissioner regarding approval of continuing education sponsors using the criteria in part 4750.0400, subpart 3; and

G. perform other duties authorized for advisory councils by *Minnesota Statutes*, chapter 214, or as directed by the commissioner.

Department of Human Services

Proposed Permanent Rules Relating to Implementation of the Consolidated Chemical Dependency Treatment Fund

Resubmission of Notice of Intent to Adopt a Rule without a Public Hearing

The Department of Human Services has resubmitted to the *State Register* the above-entitled rule amendments and notice of intent to adopt the amendments without a public hearing.

The proposed amendments and notice were originally published in the *State Register* on April 23, 1990 (14 S.R. 2483).

The resubmission does not affect the proposed amendments; they remain as they were originally published. The one difference made by the resubmission is that interested parties now have until 4:30 p.m. on June 7, 1990 (instead of May 23, 1990) to submit comments on the proposed amendments or requests for hearings.

Comments or written requests for a public hearing must be submitted to: Alice Weck, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, telephone (612) 296-0626. Questions about the resubmission can also be directed to Ms. Weck at (612) 296-0626.

Department of Human Services

Proposed Permanent Rules Relating to State Financial Participation in County Welfare Administration Cost

Notice of Intent to Repeal a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to repeal the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for repealing rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority for the adoption of the rule was *Minnesota Statutes*, section 256D.22. The authority for the repeal of the rule is *Laws of Minnesota*, chapter 719, article 8, section 33.

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.

All persons have 30 days or until 4:30 p.m. on June 6, 1990, in which to submit comment in support of or in opposition to the proposed rule repeal or any part or subpart of the rule repeal. Comment is encouraged. Each comment should identify the portion of the proposed rule repeal addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule repeal addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

The proposed rule repeal may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule repeal as noticed.

Minnesota Rules, parts 9580.0100 to 9580.0600 were authorized by *Minnesota Statutes*, section 256D.22 and had provided property tax relief as a result of state financial aid for certain welfare administrative costs. The adopted rule parts had also provided a method to calculate state reimbursement for county welfare administrative costs. Rule parts 9580.0100 to 9580.0600 affected county agencies.

The repeal of rule parts 9580.0100 to 9580.0600 is authorized by Laws of Minnesota 1988, chapter 719, article 8, section 33, which repealed *Minnesota Statutes*, section 256D.22.

The repeal of *Minnesota Statutes*, section 256D.22, was done in conjunction with the State takeover of certain Income Maintenance program costs. Legislative intent was that the county increase in administrative costs would be more than offset by the county reduction in responsibility for Income Maintenance program costs.

A free copy of the rule is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared an is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-381, or by calling (612) 296-7454.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

Ann Wynia
Commissioner

Rules as Proposed (all new material)

REPEALER. *Minnesota Rules*, parts 9580.0100, 9580.0200, 9580.0300, 9580.0400, 9580.0500, and 9580.0600 are repealed.

Department of Human Services

Proposed Permanent Rules Relating to County Assistance; Mentally Ill Persons Released from State Hospitals

Notice of Intent to Repeal a Rule without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to repeal the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28.

All persons have 30 days or until 4:30 p.m. on June 6, 1990, in which to submit comment in support of or in opposition to the repeal of the rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the rule addressed, the reason for the comment, and any change proposed.

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED REPEAL OF THE RULE OF THE STATE DEPARTMENT OF HUMAN SERVICES GOVERNING STATE FINANCIAL PARTICIPATION IN COUNTY WELFARE ADMINISTRATIVE COSTS, MINNESOTA RULES, PARTS 9580.0100 TO 9580.0600

NOTICE OF INTENT TO REPEAL A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Department of Human Services intends to repeal the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for repealing rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority for the adoption of the rule was Minnesota Statutes, section 256D.22. The authority for the repeal of the rule is Laws of Minnesota, chapter 719, article 8, section 33.

(2) All persons have 30 days or until 4:30 p.m. on June 6, 1990, in which to submit comment in support of or in opposition to the proposed rule repeal or any part or subpart of the rule repeal. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule repeal addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule repeal addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) Comments or written requests for a public hearing must be submitted to: Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

(8) The proposed rule repeal may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule repeal as noticed.

(10) (11) Minnesota Rules, parts 9580.0100 to 9580.0600 were authorized by Minnesota Statutes, section 256D.22 and had provided property tax relief as a result of state financial aid for certain welfare administrative costs. The adopted rule parts had also provided a method to calculate state reimbursement for county welfare administrative costs. Rule parts 9580.0100 to 9580.0600 affected county agencies.

The repeal of rule parts 9580.0100 to 9580.0600 is authorized by Laws of Minnesota 1988, chapter 719, article 8, section 33, which repealed Minnesota Statutes, section 256D.22.

(11) The repeal of Minnesota Statutes, section 256D.22, was done in conjunction with the State takeover of certain Income Maintenance program costs. Legislative intent was that the county increase in administrative costs would be more than offset by the county reduction in responsibility for Income Maintenance program costs.

(11A) A free copy of the rule is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

(13) Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816, or by calling (612) 296-7454.

Date: 4-17-90

ANN WYNIA
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-38___

TO: Patricia Nolte, Legal Assistant
Public Finance Division
525 Park Street, Suite 500

FROM: Robert Hamper
Rules Division
Department of Human Services

Robert Hamper 6/19/90

SUBJECT: Review of a Rule Adopted Without a Public Hearing; Repeal of the Rule of the State Department of Human Services Governing State Financial Participation in County Welfare Administrative Costs, Minnesota Rules, parts 9580.0100 to 9580.0600

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.0300 for your review of a rule adopted without a public hearing for the above entitled matter.

Official documents in this submitted material include:

1. A copy or photocopy of the notice of solicitation of outside information or opinions as published in the State Register. Please note that this notice was not done. No outside opinion was sought on this rule repeal.

2. A copy of the repealed rule with a certificate of approval as to form by the revisor of statutes attached.

3. The notice of intent to repeal a rule without a public hearing as mailed.

4. The statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

5. The affidavit of mailing the notice of intent to adopt a rule without a public hearing. The affidavits state that the mailing list maintained by the agency pursuant to Minnesota Statutes, sections 14.22 and 14.14, subdivision 1a is accurate, complete, and current and that the notice of intent to adopt the rule without a public hearing was mailed to all persons and groups whose names appear on the list.

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6. A copy or photocopy of the notice of intent to adopt the rule without a public hearing as published in the State Register.

7. Four copies of the rule as repealed. Any modification made to the repealed rule is reflected on the rule as repealed and is approved as to form by the revisor of statutes.

8. The findings of fact, conclusions, and order adopting the rule.

9. All written requests, submissions, or comments on the rule received by the agency except requests solely for copies of the rule or of the statement of need and reasonableness. Please note that no public comments were received on the repeal of this rule.

10. The declaration of the attorney in the attorney general's office who represents the agency.

11. There were no requests to be notified of submission to the attorney general.

If you have any questions on this submitted material, please call me at 296-2794.

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Repeal of the Rule of the State Department of Human Services Governing State Financial Participation in County Welfare Administrative Costs, Minnesota Rules, parts 9580.0100 to 9580.0600

FINDINGS OF FACT, CONCLUSIONS, AND ORDER REPEALING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to repeal the above-entitled rule was published in the State Register on May 7, 1990 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, on May 2, 1990. (2) The statement of need and reasonableness was prepared before the notice of intent to repeal a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency. (7) No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following: That there are no changes between the repeal of the rule as proposed and the repeal of the rule as adopted.

(8) The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Governing State Financial Participation in County Welfare Administrative Costs is repealed this 19 day of June, 1990, pursuant to authority vested in me by the Laws of Minnesota 1988, chapter 719, article 8, section 33.

(9)

ANN WYNIA
Commissioner

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DECLARATION OF COUNSEL

I, Deborah Huskins, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0862.

Deborah Y. Huskins
Special Assistant
Attorney General

Dated: July 13, 1990