

November 14, 2006

The Honorable Tim Pawlenty
Governor, State of Minnesota

The Honorable James Metzen, Chair
Legislative Coordinating Commission

The Honorable John Marty, Chair
Senate Environment and Natural Resources
Committee

The Honorable Dallas Sams, Chair
Senate Environment, Agriculture and
Economic Development Budget Division

The Honorable Tom Hackbarth, Chair
House Environment and Natural Resources
Policy Committee

The Honorable Dennis Ozment, Chair
House Agriculture, Environment and
Natural Resources Finance Committee

Ms. Michele Timmons
Revisor of Statutes

RE: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by
Minn. Stat. § 14.05, subd. 5

Dear Committee Chairs:

Minn. Stat. § 14.05, subd. 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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.”

The Minnesota Pollution Control Agency (MPCA) has reviewed its rules and determined that it has no obsolete rules at this time.

Status of obsolete rules identified in the MPCA's 2005 Obsolete Rules Report:

The MPCA submitted its 2005 Obsolete Rules Report (Report) to the Legislature, Revisor's Office and Governor's Office on November 9, 2005. In the Report, the MPCA stated it had no obsolete rules to report for 2005. However, following the November 9, 2005, Report submittal, the MPCA reviewed its rules a second time and determined that Minn. R. 7021.0010, subp. 3 and Minn. R. 7021.0050, subps. 1 to 4 and subp. 6 were obsolete and should be repealed. On March 7, 2006, the MPCA submitted to the Legislature, Revisor's Office and Governor's Office an amended Report that listed these two obsolete rules. The MPCA is currently in the process of repealing these rules using Minn. Stat. sec. 14.3895.

Costs of preparing this report:

In compliance with Minn. Stat. § 3.197 the cost of preparing this report is as follows:

Staff cost: \$30.00 (1 hour of staff time)

Printing cost in-house: \$7.50 (Approximately 50 copies)

If you have any questions regarding this report, please feel free to contact me at 651-296-7301.

Sincerely,

Brad Moore
Acting Commissioner

BM:cmbg:mk