OAH 5-1900-30853
Revisor R-4142

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Rules of the Department of Labor and Industry Governing the Adoption of the 2012 International Building Code, Minnesota Rules, Chapter 1305

ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.26

The Minnesota Department of Labor and Industry (Department) is seeking review and approval of the above-entitled rules, which were adopted by the agency pursuant to Minn. Stat. § 14.26 (2014). On March 13, 2015, the Office of Administrative Hearings (OAH) received the documents that must be filed by the Department under Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2013). Based upon a review of the written submissions and filings, Minnesota Statutes, Minnesota Rules, and for the reasons in the Memorandum that follows,

IT IS HEREBY ORDERED:

1. The Department has the statutory authority to adopt the rules.

2. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400 (2014).

3. The record demonstrates the rules are needed and reasonable.

4. The rules are **APPROVED**.

Dated: March 24, 2015

JIM MORTENSON
Administrative Law Judge

MEMORANDUM

An agency may modify a proposed rule as long as the modified rule is not substantially different from the rule proposed in the Notice of Intent to adopt rules.[1] Here, the Department made several modifications to the originally proposed rules based on comments received to the proposed rules.

The modifications to the proposed rules do not substantially change them from the original proposal. The modifications are all within the scope of the Department's rule-making authority. The modifications are all based on public comments received and included some corrections, clarifications, deletions pending further consideration, and consistency with other related building rules.

Accordingly, the Administrative Law Judge concludes that the modifications, as approved by the Revisor, do not make the rules substantially different than the proposed rules. Rather, the modifications are a logical outgrowth of the public comments to the proposed rules.

J.R.M.

[1] Minn. Stat. § 14.05, subd. 2 (2014).