OAH 82-1900-30860
Revisor 4147

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Amendment to Rules Governing the 2012 International Mechanical and Fuel Gas Codes, Minnesota Rules, Chapter 1346	**AMENDED 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. On September 30, 2014, 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. 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.

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

4. The modifications made by the Department in response to comments received from interested members of the public do not make the rules substantially different from the rules as originally proposed.

5. The rules are **APPROVED**.

Dated: October 15, 2014

BARBARA J. CASE
Administrative Law Judge

MEMORANDUM

The Department published its Dual Notice of Intent to Adopt Rules on May 27, 2014. Because it received only three comments, the Department did not hold a hearing. However, in response to those comments, the Department proposes changes to the proposed rules. 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]

The Department's changes to the proposed rules primarily consist of the addition of language and tables from several uniform standard codes and the restoration of language previously stricken. These modifications do not make the rules substantially different than the proposed rules. Rather, the differences add greater specificity and clarity to the rules, and the modifications are a logical outgrowth of the contents of the notice of intent to adopt rules and the comments submitted in response to the notice.[2]

Accordingly, the Administrative Law Judge concludes that the inclusion of language and tables for the purpose of providing greater clarity and specificity does not make the rules substantially different than the proposed rules.

B. J. C.

---

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

[2] *See id.* (stating that, in addition to other requirements, "[a] modification does not make a proposed rule substantially different if . . . the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice").

OAH 82-1900-30860
Revisor 4147

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Amendment to Rules Governing the 2012 International Mechanical and Fuel Gas Codes, Minnesota Rules, Chapter 1346	**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. On September 30, 2014, 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. 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.

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

4. The modifications made by the Board in response to comments received from interested members of the public do not make the rules substantially different from the rules as originally proposed.

5. The rules are **APPROVED**.

Dated: October 13, 2014

BARBARA J. CASE
Administrative Law Judge

MEMORANDUM

The Department published its Dual Notice of Intent to Adopt Rules on May 27, 2014. Because it received only three comments, the Department did not hold a hearing. However, in response to those comments, the Department proposes changes to the proposed rules. 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]

The Department's changes to the proposed rules primarily consist of the addition of language and tables from several uniform standard codes and the restoration of language previously stricken. These modifications do not make the rules substantially different than the proposed rules. Rather, the differences add greater specificity and clarity to the rules, and the modifications are a logical outgrowth of the contents of the notice of intent to adopt rules and the comments submitted in response to the notice.[2]

Accordingly, the Administrative Law Judge concludes that the inclusion of language and tables for the purpose of providing greater clarity and specificity does not make the rules substantially different than the proposed rules.

B. J. C.

---

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

[2] *See id.* (stating that, in addition to other requirements, "[a] modification does not make a proposed rule substantially different if . . . the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice").