



STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Relating to Electrical
Procedures and Repeal of Rules Relating to Training,
Minnesota Rules, Chapter 3801; Revisor's ID Number R-04950

Minnesota Department of Labor and Industry
Construction Codes and Licensing Division

July, 2025

General information:

1. Availability: The State Register notice, this Statement of Need and Reasonableness (SONAR), and the proposed rule will be available during the public comment period on the Agency's Public Notices website: [Rulemaking docket for Minnesota Rules Chapter 3801 | Minnesota Department of Labor and Industry](#)
2. View older rule records at: [Minnesota Rule Statutes](#)
<https://www.revisor.mn.gov/rules/status/>
3. Agency contact for information, documents, or alternative formats: Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Amanda Spuckler, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155; telephone 651-284-5361; email dli.rules@state.mn.us; or use your preferred telecommunications relay service.

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Acronyms

APA	Administrative Procedures Act
ALJ	Administrative Law Judge
Board	Minnesota Board of Electricity
CFR	Code of Federal Regulations
Department	Minnesota Department of Labor and Industry
MAT	MN Association of Townships
Minn. R. pt	Minnesota Rules part
Minn. Stat.	Minnesota Statutes
MMB	Minnesota Management and Budget
MN	Minnesota
MORS	MN Office of the Revisor of Statutes
NEC	National Electrical Code
OAH	Office of Administrative Hearings
SONAR	Statement of Need and Reasonableness

Introduction and Overview

Introduction

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) proposes to adopt amendments to Minnesota Rules, chapter 3801, Electrical Procedures and Training, to adopt rules for electrical procedures that update the requirements for the approval of electrical equipment and electrical permit requirements. The proposed rules also repeal requirements for approval of electrical training programs that may be used to fulfill the experience credit requirements for electrical license applicants. The requirements for the approval of electrical training programs will be adopted as amendments to Minnesota Rules, chapter 3800, as a part of a contemporaneous rulemaking by the Minnesota Board of Electricity (“Board”). The proposed rule for Minnesota Rules, chapter 3800 will be available at: [Rulemaking docket for Minnesota Rules Chapter 3800 | Minnesota Department of Labor and Industry](#).

Background

Prior to 2007, the Board administered and enforced the Minnesota Electrical Code and adopted rules governing licensure for electrical workers and administered those rules. In 2007, the Minnesota Legislature revised the responsibilities of the Board to include adopting the electrical code, adopting rules that regulate the licensure or registration of the electrical industry, and issuing the final interpretations of the electrical code.¹ All other responsibilities for the administration and enforcement of the Minnesota Electrical Code and the issuance and enforcement of licensing for electrical workers were transferred to the Commissioner.²

As a result of this transfer of responsibilities, the amendments establishing requirements for the approval of electrical training programs were erroneously renumbered and transferred from chapter 3800 to chapter 3801, which has the rules adopted by the Department of Labor and Industry (“Department”). However, the Board continued to maintain the authority to adopt rules governing licensure of the electrical industry, including the adoption of rules governing the requirements for approval of electrical training programs for applicants for electrical licensure. While the Commissioner is responsible for administering and enforcing the rules adopted by the Board, as well as adopting and

¹ See [Laws of Minnesota 2007, chapter 140, article 5, sections 19 and 32](#) [presently codified at Minnesota Statutes, section 326B.32, subdivision 2 (2024)].

² See [Laws of Minnesota 2007, chapter 140, article 2, section 3](#); See also Minnesota Statutes, section 326B.32, subdivision 2(a) (2024) (“...the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated thereto.”)

enforcing rules governing electrical procedures such as the approval of electrical equipment and the issuance of electrical permits, rules governing the requirements for approval of electrical training programs is within the Board's rulemaking authority. The proposed rules repeal several amendments in existing chapter 3801 which govern approval of electrical training programs so these requirements may then be adopted by the Board as amendments to chapter 3800, as well as make other updates to the requirements for electrical procedures.

Statement of General Need

The proposed amendments to rules are needed and intended to update requirements for the approval of electrical equipment to eliminate outdated terminology and references, as well as update and clarify requirements for electrical permits. The proposed amendments also repeal parts 3801.3820 through 3801.3885 that are the requirements for the approval of electrical training programs that may be used to fulfill the experience credit requirements for electrical license applicants. The Board has the authority to adopt requirements for the approval of electrical training programs and will adopt those requirements as amendments to chapter 3800 as a part of a contemporaneous rulemaking. The proposed rule for Minnesota Rules, chapter 3800 will be available at: [Rulemaking docket for Minnesota Rules Chapter 3800 | Minnesota Department of Labor and Industry](#).

Scope of Proposed Amendments

The following chapters of Minnesota rules are affected by the proposed changes:

- Chapter 3801, Electrical Procedures and Training (Minnesota Department of Labor and Industry)
- Chapter 3800, Licensing (Minnesota Board of Electricity)

Statutory Authority

The Department's statutory authority to adopt the rules is stated in the following Minnesota Statute:

326B.02, Subdivision 5. General rulemaking authority. The commissioner may, under the rulemaking provisions of chapter 14 and as otherwise provided by this chapter, adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under this chapter, except for rules for which the rulemaking authority is expressly transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems.

The Legislature has granted the Board of Electricity specific rulemaking authority for the adoption of the electrical code, adoption of rules regulating the licensure or registration of the

electrical industry, and adoption of rules that regulate continuing education for individuals that are licensed or registered electrical workers.³ The Legislature has not granted the Board expressed authority for the adoption of rules regulating electrical procedures, which include the approval of electrical equipment and the issuance of electrical permits. It is the Commissioner of the Department of Labor and Industry who is statutorily responsible under Chapter 326B for the adoption and enforcement of rules governing the approval of electrical equipment and the issuance of electrical permits.

Under Minnesota Statutes, section 326B.02, subdivision 5, the Department has the necessary statutory authority to adopt the proposed rules.

Public Participation and Stakeholder Involvement

Consistent with the Administrative Procedures Act (“APA”), the Department published a formal Request for Comments in the Minnesota State Register on [date]. To increase accessibility and opportunity for feedback, the Department also created a web page which displayed relevant information on this rulemaking process and provided the opportunity to make comments. The webpage was available from the time the Request for Comments was published until the Department published the Dual Notice of Intent to Adopt Rules.

The Department also presented the proposed rule at a public meeting held by the Board of Electricity on July 08, 2025, in order to receive input from interested stakeholders. The meeting was open to the public and members of the public were permitted to offer comment on the proposed rule.

Finally, in accordance with the requirements of Minnesota Statutes, chapter 14, and Minnesota Rules, chapter 1400, the Department sought input and comments from the public, stakeholders, and individuals affected by these rules. These activities are described in detail on pages 17 to 20 of this SONAR.

Reasonableness of the Amendments

General Reasonableness

The proposed rule is reasonable and needed to modify existing requirements for the approval of electrical equipment to eliminate outdated terminology and references, and to update and clarify

³ See [Minnesota Statutes, section 326B.32, subdivision 2\(a\)](#).

requirements for electrical permits. The proposed rule also repeals parts 3801.3610 and 3801.20 through 3801.3885 that are the requirements for the approval of electrical training programs that may be used to fulfill the experience credit requirements for electrical license applicants. The proposed repeal of those rule parts is needed and reasonable because those amendments were erroneously transferred to chapter 3801 and the Board, and not the Department, has the authority to adopt rules regulating the approval of electrical licensure, including requirements for the approval of electrical training programs that may be used to fulfill experience credit requirements for electrical license applicants. The requirements for approval of electrical programs will be adopted by the Board as a part of a contemporaneous rulemaking.

Rule-by-Rule Analysis

CHAPTER 3801 ELECTRICAL PROCEDURES

The title of this chapter is amended to delete “and training” because rule parts containing the requirements for electrical training programs are proposed for repeal. These requirements are being relocated to chapter 3800 as a part of a contemporaneous rulemaking by the Minnesota Board of Electricity.

3801.3619 DEFINITIONS.

Subpart 1a. Board. The rule is amended to add a new subpart to define “Board” as the Board of Electricity. The Board is responsible for adopting the electrical code, rules that regulate the licensure or registration of the electrical industry, including continuing education requirements, and issues final interpretations of the electrical code. The proposed definition is needed and reasonable to clarify the meaning of the Board in the proposed rule.

Subp. 1b. Department. The rule is amended to add a new subpart to define “Department” as the Department of Labor and Industry. The proposed definition is reasonable and necessary to clarify references to the Department in the proposed rule.

Subp. 5. Testing laboratory. The proposed rule replaces the reference to the “board” with “department” because the Department, and not the Board, is responsible for the approval of electrical equipment that is tested by an electrical testing laboratory. The Board is responsible for the adoption of the Minnesota Electrical Code, the adoption of rules that regulate the licensure or registration of the electrical industry, including continuing education requirements, and the issuance of final interpretations of the Minnesota Electrical Code, while the Department is responsible for all other

administration and enforcement of the Minnesota Electrical Code and licensure rules.⁴ Therefore, the Department rather than the Board is responsible for the approval of electrical equipment that is tested by an electrical testing laboratory.

The definition of “testing laboratory” is also amended to replace the reference to section 90-6 of the National Electrical Code (“NEC”) with a reference to section 90.7. The Board adopts the most recent edition of the National Electrical Code as the Minnesota Electrical Code. The proposed amendment is reasonable because the most current edition of the NEC has been updated by renumbering the section describing testing laboratory facilities from section 90-6 to section 90.7.

3801.3620 APPROVAL OF ELECTRICAL EQUIPMENT.

Subpart 1. National standards. The proposed amendment deletes the reference to section 110.-2 of the NEC. The chapter of the NEC where section 110 is located is subject to frequent renumbering changes, so it is reasonable to provide a general reference to the NEC, rather than a specific section number that must be updated every three years when the Board adopts the latest edition of the NEC.

Subp. 2. Alternatives to listing and labeling. The proposed rule replaces the references to the “board” with “department” in subpart 2 and item A because the Department is responsible for determining how to evaluate electrical equipment that is not listed and labeled by a nationally recognized testing laboratory as meeting specific safety standards and whether to permit the use of the equipment that is not listed and labeled. As previously discussed, the Board is responsible for the adoption of the Minnesota Electrical Code, the adoption of rules that regulate the licensure or registration of the electrical industry, including continuing education requirements, and the issuance of final interpretations of the Minnesota Electrical Code, while the Department is responsible for all other administration and enforcement of the Minnesota Electrical Code and licensure rules.⁵ Therefore, it is reasonable to replace the references to “board” with “department” because determining how to evaluate electrical equipment that is not listed and labeled, as well as the use of such equipment, is not the responsibility of the Board. The proposed rule makes no other changes to the evaluation of electrical equipment that is not listed and labeled.

Subp. 3. Equipment exempt from listing requirements. The proposed rule amends items A through C and deletes item D of this subpart. The proposed amendment to item A deletes the reference to section 670-.2 of the NEC because the NEC is revised every three years which frequently

⁴ See Minnesota Statutes, [section 326B.32, subdivision 2 \(a\)](#), and [section 326B.02, subdivision 5](#).

⁵ See Minnesota Statutes, [section 326B.32, subdivision 2\(a\)](#), and [section 326B.02, subdivision 5](#).

includes renumbering and restructuring, so it is reasonable to provide a general reference to the NEC, rather than to a specific section that may need to be updated whenever the Board adopts the latest edition of the NEC.

The proposed amendments to item B delete outdated terms and technology that refer to components used to provide limited power to electrical equipment. Specifically, the term “logic level” is deleted because that term is seldom used by the electrical industry and refers to power supplies in general, rather than a specific component that provides power to electrical equipment. The proposed rule deletes the final clause that describes requirements for printed wiring boards because that language is outdated. A printed wiring board is a non-conductive substrate, typically made of materials such as fiberglass, used for assembling electronic components and creating their electrical connections. Printed wiring boards with electrical components are used within control panels and equipment for very specific applications. Because the printed wiring board is used for assembling the components that are a part of the electronic equipment and the printed wiring board itself does not pose safety hazards, it is reasonable not to require the material the printed circuit board is made of to be listed. Additionally, limiting the power supply for the printed wiring board to only a “labeled microcomputer power supply” is not consistent with current electrical manufacturing practices. Therefore, it is reasonable to make the deletions to item B.

The proposed amendments to item C delete language for consistency with the proposed amendments to item B by requiring the use of listed Class 2 power sources permitted by that item. The proposed amendments are reasonable because they are consistent with current industry manufacturing practices for electrical control panels.

The proposed amendments delete item D in its entirety and re-letter current item E accordingly. Item D exempts custom-made electrical equipment and installations that are not intended for purchase by the general public from listing and labeling requirements provided that the equipment or installation complies with subitems 1 and 2. Electrical equipment that is listed and labeled has been evaluated by a nationally recognized independent testing laboratory and meets specific safety standards, allowing it to be included on a list published by the testing laboratory and labeled with its identifying mark. Subpart 3 has resulted in confusion regarding the requirements for custom-made electrical equipment because subitem 1 does not specify that the test data be provided by an independent third party, as required by subpart 2. Also, subitem 2 requires the electrical inspection authority having jurisdiction, which is the Department, to inspect the equipment or installation to verify compliance with the standards used by nationally recognized testing standards or the NEC. The Department does not have adequate staff or expertise to perform the evaluations of custom-made equipment and installations that are complex and highly specialized. As a result, the Department generally requires evaluation of custom-made equipment by a third-party evaluator. Therefore, it is reasonable to amend the current rule to require the purchaser of custom-made equipment or

installations to contract with a third-party evaluator as required by subpart 2 to determine the safety of the equipment or installation and compliance with the electrical code.

3801.3770 ROUGH-IN INSPECTION OF WIRING TO BE CONCEALED.

The proposed rule amends part 3801.3770 to specify that a rough-in inspection includes inspection of the wiring method and conductor splicing. A rough-in inspection consists of inspection of electrical system components such as wiring, conduits, and outlet boxes prior to the concealment of those components behind walls. Wiring methods are the ways in which the wires are installed and protected to distribute electricity and conductor splicing is connecting the end points of wires within a junction box, such as an outlet box. The proposed clarification is necessary so homeowners and contractors are aware of the electrical work that will be examined during a rough-in inspection and not to conceal wiring and wiring connections until the inspection is completed.

3801.3780 REQUEST FOR ELECTRICAL PERMITS, NOTIFICATION FOR FINAL INSPECTION, AND EXPIRATION.

The title of the rule part is amended to replace the term “inspection certificates” with the term “electrical permits” because the term “electrical permits” is now generally accepted and commonly used by homeowners, electrical workers, electrical contractors, and the Department to refer to the document that is issued by the Department that authorizes the performance of electrical work and requiring it to be inspected.

Subpart 1. Final inspection. The proposed amendments to this subpart require that a final inspection be scheduled prior to the use of a space and no longer permits the electrical inspector to be otherwise notified that the work is completed and the space is ready to be occupied. The proposed change is reasonable to clarify that a final inspection must be scheduled prior to the occupancy and use of a space so that the safety of the electrical installation may be verified. The proposed amendments also replace the phrase “request for inspection certificate” with the term “electrical permit” for the reasons discussed above.

Subp. 2. Expiration. The proposed amendments replace the phrase “request for inspection certificates” with the term “electrical permit” because that is the term now generally accepted and used to refer to the document that authorizes the performance of electrical work and requires the inspection of that work.

The proposed amendments also void electrical permits with fees of \$1000 or less after 12 months from the original filing date and does not permit the fees to be refunded. The current rule voids permits with fees of \$250 or less after 12 months and does not permit refunds for those fees after that period has elapsed. It is reasonable to update the rule to increase the amount from \$250 to

\$1000 because the Department has found many projects that are not completed within 12 months and have associated permit fees that commonly exceed \$250. As a result, these permits remain open indefinitely and the work does not undergo final inspection. This often occurs with projects involving single-family residential dwellings, so the space is occupied and in use by the homeowner without final inspection of the installation. The proposed amendments are reasonable to ensure that electrical work, particularly in single-family residential dwellings, is inspected for the safety of the installation.

Subp. 3. Authority. The proposed amendments replace the phrase “request for inspection certificate” with the term “electrical permit” because that term is now more commonly used to refer to the document that authorizes the performance of electrical work and requires the inspection of the same. The proposed amendments also replace the term “board” with the term “department” because the Department, and not the Board, has the authority to inspect wiring. As previously discussed, the Board is responsible for the adoption of the Minnesota Electrical Code, the adoption of rules that regulate the licensure or registration of the electrical industry, including continuing education, and the issuance of final interpretations of the Minnesota Electrical Code, while the Department is responsible for all other administration and enforcement of the electrical code, which includes the inspection of electrical wiring.⁶

Subp. 4. Nonpayment of permit fees. Proposed subpart 4 is new and no longer allows the Department to accept a permit application from an electrical contractor, registered employer, or homeowner that has not completed payment for a previously issued permit or permits. The proposed subpart is reasonable to ensure that the Department receives permit fees for the inspection of projects and installations that are currently in progress prior to the electrical contractor, registered employer, or homeowner applying for a new permit for additional projects.

Repealed Rule Parts

The following rule parts that establish requirements for the approval of electrical training programs are repealed because they are being relocated to chapter 3800 as a part of contemporaneous rulemaking by the Board of Electricity. The rule parts that are being repealed were previously located in chapter 3800 and were adopted by the Board of the Electricity, but were erroneously renumbered as chapter 3801 due to legislation that transferred some of the responsibilities of the Board relating to the administration and enforcement of the electrical code and licensing rules to the Commissioner of the Department of Labor and Industry.⁷ This legislation required

⁶ See Minnesota Statutes, [section 326B.32, subdivision 2\(a\)](#), and [section 326B.02, subdivision 5](#).

⁷ See [Laws of Minnesota 2007, chapter 140, article 2, section 3](#).

the Department to approve two-year electrical courses while the Board continued to be responsible for the adoption of rules governing the licensing of person who perform electrical work, which includes the requirements for the approval of electrical programs that fulfill the experience credit requirements for electrical licensure applicants. The only rule part described below that is not being relocated to chapter 3800 is part 3801.3870 which requires programs that were approved prior to February 11, 2002, to be submitted for approval no later than August 11, 2002. These dates have passed so it is reasonable to repeal this rule part without relocating its content to chapter 3800:

3801.3820 PURPOSE.

3801.3825 DEFINITIONS.

3801.3830 TWO-YEAR ELECTRICAL PROGRAM.

3801.3831 POWER LIMITED TECHNICIAN PROGRAM.

3801.3840 APPLICATION FOR PROGRAM APPROVAL.

3801.3845 REPORTING AND REAPPLICATION FOR APPROVAL.

3801.3850 REMOVAL OF APPROVAL.

3801.3855 VERIFICATION OF COMPLETION.

3801.3860 TWO-YEAR ELECTRICAL PROGRAM CONTENT.

3801.3865 QUALIFICATIONS OF INSTRUCTORS FOR TWO-YEAR PROGRAMS.

3801.3870 EFFECTIVE DATE.

3801.3870 POWER LIMITED TECHNICIAN PROGRAM CONTENT.

3801.3885 QUALIFICATIONS OF INSTRUCTORS FOR POWER LIMITED TECHNICIAN PROGRAMS

Regulatory Analysis

Classes Affected

A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

Those who will be affected by the proposed rule, those who will bear the costs of the proposed rule, and those who will benefit from the proposed rule include: residential and commercial building owners; equipment manufacturers and suppliers; electrical contractors; code enforcement authorities, and the public.

Department/Agency Costs

The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

The probable costs to the Department are nominal to update electrical permitting forms and systems to include the new requirements. There are no anticipated probable costs to other agencies.

There is no anticipated effect on state revenues as a result of the implementation and enforcement of the proposed rule.

Less Costly or Intrusive Methods

A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The Department has determined that there are no less costly or intrusive methods for achieving the purpose of the proposed rule. The proposed rule updates existing requirements for the approval of electrical equipment and electrical permits to provide clarification and remove outdated terms and references. The adoption of these amendments will result in more uniform administration and enforcement of requirements for the approval of electrical equipment and issuance of electrical permits.

The proposed rule also repeals several parts regulating the approval of electrical training programs to correct a renumbering error that transferred these rules from chapter 3800 to 3801. The concurrent repeal of the parts 3801.3610 and 3801.3820 through 3801.3885 and the adoption of substantively similar provisions in chapter 3800 was determined by both the Department and the Board as the least intrusive method of achieving the purpose of renumbering the requirements for electrical training programs to be in Minnesota Rules chapter 3800.

Alternative Methods

A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

The Department did not consider any alternative methods for achieving the purpose of the proposed rule. The proposed amendments to provisions governing the approval of electrical equipment are necessary to remove outdated terms and references that have resulted in confusion. The amendments to rules governing the issuance of electrical permits are necessary to clarify terminology and requirements to provide for more uniform application of requirements for electrical inspections.

The Department did not consider any alternative methods to the repeal of the rule parts regulating the approval of electrical training programs because there is no other method to correct the error other than the repeal of these rule parts in chapter 3801 and the adoption of substantively similar requirements in chapter 3800.

Costs to Comply

The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

The probable costs of complying with the proposed rule will be borne by residential and commercial building owners and electrical contractors that do not complete work within a 12-month period and where the electrical permit fee associated with the work is \$1000 or less. There will be costs to these individuals because the proposed rule does not permit a refund of the permit fee if the work is not completed within a 12-month period. This is reasonable and needed so that the permits do not remain open indefinitely and the work not inspected for the safety of the installation and the equipment.

Costs of Non-Adoption

The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

The probable costs or consequences of not adopting the proposed rule is confusion about the requirements for equipment approval because the current rules include outdated terms and references, as well as continued confusion as to the meaning of the phrase “request for inspection certificate” which the proposed rule replaces with the term “electrical permit.” The consequences of not repealing the rule parts regulating electrical training programs is continued confusion regarding the responsibilities of the Department and the Board for the approval of two-year electrical training programs.

The probable consequences of not adopting the proposed amendments that void electrical permits with associated fees of \$1000 or less after a period of 12 months are that many electrical permits will remain open indefinitely and the work will not undergo final inspection to verify the safety of the installation.

Differences from Federal Regulations

An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

There are no applicable federal regulations that address the approval of electrical equipment, the issuance of electrical permits, or approval of electrical training programs.

Cumulative Effect

An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

There are no applicable federal regulations that address electrical licensure or electrical training programs. Similarly, there are no other state regulations related to the specific purpose of this rule.

Notice Plan

Minnesota Statutes, section 14.131, requires that an agency include in its SONAR a description of its efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

Details on the previous measures taken to ensure stakeholders received both required and additional notice of this rulemaking during the Request for Comments and rule development period can be found on pages 17 to 20 of this SONAR.

Required Notice

The Department is required under Minnesota Statutes, chapter 14 to identify and send notice to several groups. The steps the Department will take to meet those statutory requirements are laid out in detail below.

Consistent with Minnesota Statutes, section 14.14, subd. 1a, on the day the Dual Notice is published in the *State Register*, the Department will send via email or U.S. mail a copy of the Dual

Notice and the proposed rule to the contacts on the Department's list of all persons who have registered with the Department for the purpose of receiving notice of rule proceedings. There are roughly [#] people on the Department's list of persons who have requested notice via United States Postal Service, and roughly [#] persons who have requested noticed of all rule proceedings via email. The Dual Notice will be sent at least 33 days before the end of the comment period.

Consistent with Minnesota Statutes, section 14.116 (b), the Department will send a copy of the Dual Notice, a copy of the proposed rules, and a copy of the SONAR to the chairs and ranking minority party members of the Senate Jobs and Economic Development Committee; Senate Labor Committee; Senate Housing and Homelessness Prevention Committee; House Workforce, Labor and Economic Development Finance and Policy Committee, House Housing Finance and Policy Committee, and the Legislative Coordinating Commission. These documents will be sent at least 33 days before the end of the comment period.

Consistent with Minnesota Statutes, section 14.131, the Department will send a copy of the SONAR to the Legislative Reference Library when the Dual Notice is sent.

Minnesota Statutes, section 14.111, requires the Department to provide the Commissioner of Agriculture with a copy of the proposed rule change if the agency plans to adopt or repeal a rule that affects farming operations. The proposed rule may affect farming operations, so a separate notice and a copy of the proposed rule were provided to the Commissioner of the Minnesota Department of Agriculture on [INSERT DATE of Correspondence].

Minnesota Statutes, section 14.116 (c), requires the Department "make reasonable efforts to send a copy of the notice and the statement to all sitting legislators who were chief House of Representatives and Senate authors of the bill granting the rulemaking authority" if it is within two years of the effective date of the law granting rulemaking authority. This requirement does not apply because the Department was previously granted rulemaking authority for electrical procedures and no bill within the past two years granted the Department additional authority for this rulemaking.

Additional Notice

In addition to the required notice referenced above, the Department will make the Dual Notice, SONAR, and proposed rule available on the webpage created for this rulemaking.

The Department also intends to send an electronic notice with a hyperlink to electronic copies of the Dual Notice, SONAR, and proposed rule to:

- Anoka Technical College
- Dakota County Technical College
- Dunwoody College of Technology
- Hibbing Community College (now part of Minnesota North College)
- Lake Superior College
- Leech Lake Tribal College
- Minnesota State Community & Technical College (Moorhead)
- Minnesota State Community & Technical College (Wadena)
- Minnesota West Community & Technical College (Canby)
- Minnesota West Community & Technical College (Jackson)
- Northland Community & Technical College
- Northwest Technical College
- Ridgewater College (Hutchinson & Willmar)
- Riverland Community College
- St. Cloud Technical & Community College
- St. Paul College
- Builders Association of Minnesota (“BAM”)
- Building Owners and Managers Association (“BOMA”) – Minnesota chapters (St. Paul, Duluth, and Greater Minneapolis)
- Central Minnesota Builders Association (“CMBA”)
- Electrical Association
- Housing First Minnesota
- International Brotherhood of Electrical Workers (“IBEW”) Minnesota State Council
- League of Minnesota Cities
- Local chapters of the Association of Minnesota Building Officials (“AMBO”) (Arrowhead, Southeast, 10,000 Lakes, Southwest, and Northwest)
- Local chapters of the IBEW (Locals 23, 110, 160, 242, 292, 294, 343, 731, 949, and 1999)

- Manufactured & Modular home Association of Minnesota (“MMHA”)
- Minnesota chapter of the International Association of Electrical Inspectors (“IAEI”)
- Minnesota Electronic Security and Technology Association
- Minnesota Mechanical Contractors Association
- Minnesota Solar Energy Industries Association (“MnSEIA”)
- National Electrical Contractors Association (“NECA”) – Minnesota Chapters (St. Paul, Minneapolis, and Twin Ports)

On [date], the Department received confirmation from OAH that these steps meet the notice requirements for persons or classes of persons who may be affected by the proposed amendments to these rules under Minnesota Statutes, section 14.14, subdivision 1a.

Performance-Based Rules

Minnesota Statutes, section 14.002, requires state agencies, whenever feasible, to develop rules that are not overly prescriptive and inflexible, and rules that emphasize achievement of the Department’s regulatory objectives while allowing maximum flexibility to regulated parties and to the Department in meeting those objectives. The proposed rule meets this objective by using prescriptive and performance-based provisions for electrical procedures to ensure the safety of electrical equipment and installations.

Consultation with MMB on Local Government Impact

As required by Minnesota Statutes, section 14.131, the Department consulted with Minnesota Management and Budget (“MMB”) concerning the fiscal impact and benefits the proposed rules may have on units of local government. This was done on [Month, day, year] by providing MMB with copies of the Governor’s Office Proposed Rule and SONAR Form, the proposed rules, and the near-final SONAR for review and comment. On [Month, day year], the Department received a memorandum dated that same day from MMB Executive Budget Officer [Name] which provided comments and conclusions concerning local government impact consistent with those noted by the Department in the cost impact sections of the Regulatory Analysis section above and the Department’s determination of small city and small business compliance costs below.

Impact on Local Government Ordinance and Rules

As required by Minnesota Statutes, section 14.128, subdivision 1, the Department has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Department has determined

that the proposed rules do not because local units of government do not have the authority to regulate electrical procedures.

Costs of Complying for Small Business or City

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city. The Department has made this determination based on the probable costs of complying the proposed rule, as described in the Regulatory Analysis section of this SONAR above. The costs associated with the proposed rule are \$1000 or less and are only incurred if the small business or small city has paid that amount in electrical permit fees but has not completed the work or requested a refund of the fees within a 12-month period.

Authors, Witnesses, and Exhibits

Authors

The primary authors of this SONAR are:

Dean Hunter, Chief Electrical Inspector, Assistant Director, Construction Codes and Licensing Division, Minnesota Department of Labor and Industry.

Jeffrey F. Lebowski, General Counsel, Minnesota Department of Labor and Industry.

Erik Zercher, General Counsel, Minnesota Department of Labor and Industry.

Amanda Spuckler, Rules Specialist, Construction Codes and Licensing Division, Minnesota Department of Labor and Industry.

Witnesses

The Department expects that the proposed amendments will not be controversial. In the event that a hearing is necessary, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

- Mr. Dean Hunter, Member of the Minnesota Board of Electricity and Chief Electrical Inspector, Assistant Director, Construction Codes and Licensing Division, Minnesota Department of Labor

and Industry, will testify about the technical aspects and background of the proposed amendments.

- Mr. Erik Zercher, General Counsel for the Department of Labor and Industry, will represent and advise the Department, introduce the required jurisdictional documents into the record, and provide answers to APA procedural questions, if necessary.

Exhibits

In support of the need for and reasonableness of the proposed rules, the Department anticipates that it will enter the following exhibits into the hearing record:

- All links within this document that are available online.
- Copies of the documents required to be entered into the record pursuant to Minnesota Rules, part 1400.2310.

Conclusion

In this SONAR, the Department has established the need for and the reasonableness of each of the proposed amendments to Minnesota Rules, chapter 3801. The Department has provided the necessary notice and documented its compliance with all applicable administrative rulemaking requirements of Minnesota statutes and rules.

Based on the forgoing, the proposed amendments are both needed and reasonable.

Nicole Blissenbach, Commissioner
Minnesota Department of Labor and Industry

Date

This SONAR was made available for public view, pursuant to Minn. Rules, part 1400.2070, subpart 1, item E, as of [date].