



VIA EMAIL

December 22, 2025

Legislative Reference Library
sonars@lrl.leg.mn

In the Matter of the Proposed Rules of the Department of Labor and Industry Governing Electrical Training and Procedures; *Minnesota Rules* Chapter 3801; Revisor's ID Number R-04950; CAH Docket Number 8-9001-41254

Dear Legislative Reference Library:

The Minnesota Department of Labor and Industry intends to repeal rules relating to electrical training programs and adopt amendments to existing electrical procedures. We plan to publish a Dual Notice in the December 22, 2025, *State Register*.

We have prepared a Statement of Need and Reasonableness. As required under Minnesota Statutes, sections 14.131 and 14.23, we are sending the library an electronic copy of the Statement of Need and Reasonableness at the same time that we are sending our Notice of Intent to Adopt Rules.

If you have any questions or concerns, please contact me at krystle.conley@state.mn.us or 651-284-5315.

Sincerely,

Krystle Conley
Rulemaking Coordinator
Office of General Counsel
Department of Labor and Industry

Enclosure: Statement of Need and Reasonableness



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

December 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
Minn. R. pt	Minnesota Rules part
Minn. Stat.	Minnesota Statutes
MMB	Minnesota Management and Budget
MN	Minnesota
NEC	National Electrical Code
CAH	Court 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 August 18, 2025. 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 public meetings held by the Board of Electricity on July 08, 2025, and during a special meeting on August 7, 2025, to receive input from interested stakeholders. The meetings were 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 18 to 21 of this SONAR.

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

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 requirements for electrical permits. The proposed rule also repeals 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 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 amendment also adds item and subitem numbers to improve clarity and enhance the rule’s readability. The proposed rule makes no other changes to the evaluation of electrical equipment that is not listed and labeled.

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](#).

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 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 intended to be concealed. 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 do not increase permit fees. Instead, the proposed amendment increases the threshold for permits to not elapse after 12 months. The proposed increase accompanies the increased fee amounts set by the legislature in Electrical Inspection Fee Schedule updated by Laws of Minnesota 2025, chapter 6, article 5, sections 24-30. 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 and is delinquent for a previously issued permit or permits. The proposed subpart is reasonable to ensure that the Department receives permit fees for

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

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 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.

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

3801.3860 TWO-YEAR ELECTRICAL PROGRAM CONTENT.

3801.3865 QUALIFICATIONS OF INSTRUCTORS FOR TWO-YEAR PROGRAMS.

3801.3870 EFFECTIVE DATE.

3801.3880 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 3801.3820 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 considered alternatives regarding the proposed amendments of rule parts 3801.3620, 3801.3770, and 3801.3780. The Department presented the proposed amendments during Board of Electricity meetings on July 8, 2025, and August 7, 2025. Alternative methods, in the form of minor language changes, for achieving the purpose of the proposed rule amendments were discussed. One board member proposed additional changes to rule part 3801.3620; the Department considered this proposal but ultimately determined that re-numbering subparts to clarify the application of the rule addressed raised concerns.

The Department did not consider any alternative methods for achieving the purpose of other parts 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 18 to 21 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 20 people on the Department's list of persons who have requested notice via United States Postal Service, and roughly 23,000 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 September 16, 2025.

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 December 9, 2025, the Department received confirmation from CAH 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 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 November 01, 2025, the Department received a memorandum dated that same day from MMB Executive Budget Officer Mary Baumgartner 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

12/11/2025

Date

This SONAR was made available for public view, pursuant to Minn. Rules, part 1400.2070, subpart 1, item E, as of December 22, 2025.

1.1 **Department of Labor and Industry**

1.2 **Proposed Permanent Rules Regulating Electrical Procedures**

1.3 **3801.3619 DEFINITIONS.**

1.4 *[For text of subpart 1, see Minnesota Rules]*

1.5 Subp. 1a. **Board.** "Board" means the Board of Electricity.

1.6 Subp. 1b. **Department.** "Department" means the Department of Labor and Industry.

1.7 *[For text of subparts 2 to 4, see Minnesota Rules]*

1.8 Subp. 5. **Testing laboratory.** "Testing laboratory" means an electrical testing laboratory
1.9 that has provided a written report to the ~~board~~ department showing that it has the facilities
1.10 listed in Section ~~90-6~~ 90.7 of the National Electrical Code or that is accredited under the
1.11 federal Occupational Safety and Health Administration Nationally Recognized Testing
1.12 Laboratory program.

1.13 **3801.3620 APPROVAL OF ELECTRICAL EQUIPMENT.**

1.14 Subpart 1. **National standards.** Except as otherwise provided in subpart 2 or 3, as a
1.15 condition for approval under Minnesota Statutes, section 326B.35, and ~~Section 110-2~~ of
1.16 the National Electrical Code, all electrical equipment, including material, fittings, devices,
1.17 apparatus, fixtures, appliances, and utilization equipment, used as part of, or in connection
1.18 with, an electrical installation shall be listed and labeled by a testing laboratory.

1.19 Subp. 2. **Alternatives to listing and labeling.** With the exception of electrical
1.20 equipment of types specifically required to be listed by the National Electrical Code, the
1.21 ~~board~~ department shall accept one of the applicable methods described in item A, ~~or B~~, or
1.22 C as an alternative to listing and labeling.

1.23 A. Evaluation by a testing laboratory or by a registered or licensed electrical
1.24 engineer who has no financial or other interest in the manufacture or sale of the equipment,

2.1 provided that any deficiencies identified by the evaluation are corrected and the equipment
2.2 complies with the listed requirements. A written report of the evaluation shall be submitted
2.3 directly to the ~~board~~, department and shall state the standards that were applied in the
2.4 evaluation. Evaluation reports by an electrical engineer acting independently of a testing
2.5 laboratory shall also include an item-by-item comparison of the equipment with the
2.6 requirements to be listed. If the ~~board~~ department finds that the evaluation or evaluation
2.7 report is incomplete or inaccurate, it retains the right to require further evidence of
2.8 compliance or to reject the equipment.

2.9 B. Evaluations conducted according to the procedures in ~~this item~~ A shall be
2.10 considered evidence of compliance of all identical equipment produced by that manufacturer
2.11 for a period of one year from the time the evaluation was completed, or until the equipment
2.12 has been listed, whichever is less, provided that the manufacturer has applied for listing of
2.13 the equipment, or produces fewer than 100 such units per year. Where additional identical
2.14 equipment will be produced, the manufacturer shall provide the ~~board~~ department with a
2.15 written statement giving the equipment model number and agreeing that all subsequent
2.16 equipment will be identical to that which was evaluated and, where the equipment has not
2.17 been submitted for listing, shall also provide a written report to the ~~board~~ department 12
2.18 months from the date of the evaluation report which lists the serial numbers of the equipment
2.19 installed in Minnesota over the preceding 12 months.

2.20 (1) Where deficiencies are identified by the initial evaluation report, those
2.21 deficiencies shall be corrected for all subsequent units, the changes shall be verified by the
2.22 person who performed the initial evaluation, and an amended report shall be submitted to
2.23 the ~~board~~ department. If the manufacturer deviates from the construction established by the
2.24 evaluation report, the equipment shall be reevaluated and any noncomplying equipment
2.25 that was sold brought into compliance.

3.1 (2) Where the evidence of compliance is an evaluation according to this item,
3.2 the manufacturer shall affix a durable permanent label to the equipment in a readily visible
3.3 location, which states: "This equipment is identical to equipment that was evaluated by
3.4 (name), and found to be in compliance with the requirements to be listed. A copy of the
3.5 evaluation report was filed with the ~~Minnesota State Board of Electricity~~ Department of
3.6 Labor and Industry on (date)."

3.7 B C. Where procedures acceptable to the testing laboratory are followed, a
3.8 manufacturer of unlisted equipment shall be permitted to submit the equipment to another
3.9 manufacturer of similar listed equipment for evaluation, correction of noncomplying
3.10 construction, and labeling.

3.11 Subp. 3. **Equipment exempt from listing requirements.** Equipment described in
3.12 items A to ~~E D~~ is exempt from the requirements in subparts 1 and 2.

3.13 A. Industrial machinery as defined by ~~Section 670-2~~ of the National Electrical
3.14 Code is not required to be listed where all electrical components of the equipment, including
3.15 electrical control panels and solid-state motor controls, are in compliance with item B, or
3.16 ~~C, or D~~, or subpart 1 or 2, and all of the machine electrical wiring is in compliance with the
3.17 National Electrical Code.

3.18 B. Electrical equipment enclosed in a listed cabinet or box suitable for the
3.19 environment in which it is installed, and electrically connected only to circuits supplied
3.20 from listed Class 2, ~~logic level~~, communications, or other circuits with maximum open
3.21 circuit voltage of 30 volts rms AC, or DC, and overcurrent protection of eight amperes or
3.22 less, or to any combination of such circuits, is not required to be listed, ~~provided further~~
3.23 ~~that any printed wiring boards shall be of listed material and shall be permitted to be supplied~~
3.24 ~~from a labeled microcomputer power supply.~~

3.25 C. Electrical control equipment constructed according to the listed requirements
3.26 and enclosed in a listed cabinet or box suitable for the environment in which it is located,

4.1 where the enclosed equipment consists of eight or fewer listed components, other than wires,
4.2 cables, cords, terminal assemblies, nonelectrical components, and those covered under item
4.3 B, ~~provided that the devices are not electrically connected to circuits on a printed wiring~~
4.4 ~~board other than those circuits covered under item B,~~ is not required to be listed.

4.5 ~~D. Custom-made electrical equipment or related installations that are designed~~
4.6 ~~and manufactured to a purchaser's specifications and are not marketed to the general public~~
4.7 ~~are exempt from listing and labeling requirements. Equipment or installations exempt under~~
4.8 ~~this item are subject to the following:~~

4.9 ~~(1) they must be determined to be safe for their intended use by the~~
4.10 ~~manufacturer on the basis of test data which the purchaser keeps and makes available to the~~
4.11 ~~electrical inspection authority having jurisdiction, as required by Code of Federal Regulations,~~
4.12 ~~title 29, section 1910.399 (1991), for equipment or installations subject to national~~
4.13 ~~occupational safety and health laws; or~~

4.14 ~~(2) they must be inspected by the electrical inspection authority having~~
4.15 ~~jurisdiction for compliance with the construction requirements of the applicable electrical~~
4.16 ~~standards used by electrical testing laboratories to evaluate the equipment, or the National~~
4.17 ~~Electrical Code. Schematic wiring diagrams, component layout diagrams, and component~~
4.18 ~~electrical rating information shall be provided to enable evaluation under this subitem.~~

4.19 ~~E. D.~~ Utilization equipment as defined by the National Electrical Code is not
4.20 required to be listed if:

4.21 (1) the equipment includes eight or fewer electrical components which are
4.22 listed or are exempt from listing by item B or C; and

4.23 (2) all wiring that is part of the equipment is in compliance with the National
4.24 Electrical Code.

5.1 **3801.3770 ROUGH-IN INSPECTION OF WIRING TO BE CONCEALED.**

5.2 Where wiring is to be concealed, the inspector must be notified sufficiently in advance
5.3 to permit completion of a rough-in inspection ~~before concealment~~ of the wiring method and
5.4 conductor splicing intended to be concealed, exclusive of Saturdays, Sundays, and holidays.
5.5 In the event wiring is concealed before rough-in inspection without adequate notice having
5.6 been given to the inspector, the person responsible for having enclosed the wiring shall be
5.7 responsible for all costs resulting from uncovering and replacing the cover material.

5.8 **3801.3780 ~~REQUEST FOR INSPECTION CERTIFICATES ELECTRICAL~~**
5.9 **PERMITS, NOTIFICATION FOR FINAL INSPECTION, AND EXPIRATION.**

5.10 Subpart 1. **Final inspection.** Installers of electrical wiring shall schedule a final
5.11 inspection ~~or otherwise notify the electrical inspector that~~ of the work associated with a
5.12 ~~specific request for inspection certificate is completed~~ an electrical permit prior to the wiring
5.13 being utilized by the intended user and the associated space being occupied.

5.14 Subp. 2. **Expiration.** ~~Request for inspection certificates on installations~~ Electrical
5.15 permits with inspection fees of ~~\$250~~ \$1,000 or less are void 12 months from the original
5.16 filing date regardless of whether the wiring is completed. A new ~~request for inspection~~
5.17 ~~certificate~~ electrical permit shall be filed on all unfinished work when the work is not
5.18 completed within 12 months from the filing date of the original ~~request for inspection~~
5.19 ~~certificate~~ electrical permit. An inspection fee calculated according to Minnesota Statutes,
5.20 section 326B.37, for all unfinished work shall be submitted with the new ~~request for~~
5.21 ~~inspection certificate~~ electrical permit. ~~Request for inspection certificate inspection~~ Electrical
5.22 permit fees of ~~\$250~~ \$1,000 or less are not refundable after 12 months from the original
5.23 filing date.

5.24 Subp. 3. **Authority.** The authority to install electrical wiring associated with a ~~specific~~
5.25 ~~request for inspection certificate~~ an electrical permit is void at the time of a final inspection
5.26 or expiration, whichever occurs first. The ~~board's~~ department's authority to inspect wiring

6.1 covered by ~~a request for inspection certificate~~ an electrical permit continues until the
6.2 installation is approved at a final inspection.

6.3 Subp. 4. **Nonpayment of permit fees.** The department shall not accept a permit
6.4 application from an electrical contractor, registered employer, or owner that is delinquent
6.5 with fees for previously issued permits.

6.6 **REPEALER.** Minnesota Rules, parts 3801.3820; 3801.3825; 3801.3830; 3801.3831;
6.7 3801.3840; 3801.3845; 3801.3850; 3801.3855; 3801.3860; 3801.3865; 3801.3870;
6.8 3801.3880; and 3801.3885, are repealed.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Regulating Electrical Procedures

AGENCY: Department of Labor and Industry

REVISOR ID: R-4950

MINNESOTA RULES: Chapter 3801

The attached rules are approved for
publication in the State Register

A handwritten signature in black ink, appearing to read "Sheree Speer".

Sheree Speer
Chief Deputy Revisor

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04950

Minnesota Department of Labor and Industry

Proposed Amendment to Rules Relating to *Electrical Procedures*, Chapter 3801, and *Repeal of Rules Relating to Training*, Minnesota Rules, parts 3801.3820; 3801.3825; 3801.3830; 3801.3831; 3801.3840; 3801.3845; 3801.3850; 3801.3855; 3801.3860; 3801.3865; 3801.3870; 3801.3880; and 3801.3885; Revisor's ID Number R-04950; CAH docket Number 8-9001-41254

Introduction. The Minnesota Department of Labor and Industry ("Department"), intends to adopt rules without a public hearing following the procedures in the rules of the Court of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments and/or a written request that a hearing be held on the proposed rules until **4:30 p.m. on Wednesday, January 21, 2026.**

Hearing: If 25 or more persons submit a written request for a hearing on the rules by **4:30 p.m. on Wednesday, January 21, 2026**, the Department will hold a public hearing on **Thursday, February 26, 2026, at 1:30 p.m.**

You can participate in the virtual hearing, which will be conducted by an Administrative Law Judge from the Court of Administrative Hearings, via Webex by using this link along with the associated access code and password:

For a video and audio connection, join the hearing through an internet connection:

- Web link:
<https://minnesota.webex.com/weblink/register/r4973a6d5904bd00523637a07be4a3d37>
- Meeting Number (access code): 2483 682 3854
- Password: 1234

For audio-only connection, join the virtual hearing by telephone:

- Call: 1-855-282-6330

- Access code: 2483 682 3854
- Password: 1234

To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the Department contact person or check the Department website at [Rulemaking docket for Minnesota Rules Chapter 3801 | Minnesota Department of Labor and Industry](#) after January 21, 2026 and before February 26, 2026.

Subject of Rules. The proposed rules are about regulating electrical procedures and training, *Minnesota Rules*, Chapter 3801, and the repeal of rule parts 3801.3820 through 3801.3885, relating to the requirements for the approval of electrical training programs. The Minnesota Board of Electricity has the authority to address and adopt requirements for the approval of electrical training programs and will adopt those requirements as proposed amendments to *Minnesota Rules*, Chapter 3800, as part of a contemporaneous rulemaking. See [Rulemaking docket for Minnesota Rules Chapter 3800](#).

The proposed amendments to chapter 3801 also address changes to existing electrical procedure requirements and are about technical changes and clarifications to the requirements related to the approval of electrical equipment, electrical permits, the expiration of permits with fees of \$1000 or less, and the non-issuance of permits to delinquent applicants.

Statutory Authority. The statutory authority to adopt these rules is Minnesota Statutes, section 326B.02, subdivision 5 (2025).

Publication of proposed rules. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed rules may be viewed at: [Rulemaking docket for Minnesota Rules Chapter 3801 | Minnesota Department of Labor and Industry](#)

Statement of Need and Reasonableness. The statement of need and reasonableness (“SONAR”) contains a summary of the justification for the proposed rules, a description of who may be affected by the proposed rules, and an estimate of the probable cost of the proposed rules. You may review or obtain copies for the cost of reproduction by contacting the Department contact person. The SONAR may also be viewed at [Rulemaking docket for Minnesota Rules Chapter 3801 | Minnesota Department of Labor and Industry](#).

Department Contact Person. The Department contact person is Krystle Conley at Minnesota Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, Phone: 651-284-5006, Fax: 651-284-5749, Email: dli.rules@state.mn.us. You may contact the Department contact person with questions about the rules.

Public Comment. You have until **4:30 p.m. on Wednesday, January 21, 2026**, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules.

Your comment must be in writing and received by the due date. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change you propose. Any comments that you have about the legality of the proposed rules must be made during this comment period. All evidence that you present should relate to the proposed rules. If the proposed rules affect you in any way, the Department encourages you to participate.

Submit written comments to the Department contact person listed above.

All comments or responses received are public data and will be available for review at the Minnesota Department of Labor and Industry or on the Department's website at [Rulemaking docket for Minnesota Rules Chapter 3801 | Minnesota Department of Labor and Industry](#).

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a public hearing on the rules. You must make your request for a public hearing in writing by **4:30 p.m. on Wednesday, January 21, 2026**. You must include your name and address in your written request for hearing. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules. Any request that does not comply with these requirements is not valid and the Department cannot count it when determining whether it must hold a public hearing.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Department must give written notice of this to all persons who requested a hearing, explain the actions the Department took to bring about the withdrawal, and ask for written comments on this action. If the Department is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Cancellation of Hearing. The Department will cancel the hearing scheduled for February 26, 2026, if the Department does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Department will notify you before the scheduled hearing whether the hearing will be held. You may also call the Department contact person at 651-284-5006 after January 14, 2026, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by going online at [Rulemaking docket for Minnesota Rules Chapter 3801 | Minnesota Department of Labor and Industry](#).

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until 4:30 p.m. or until all interested persons have been heard, whichever occurs first. Administrative Law Judge Joseph C. Meyer is assigned to conduct the hearing. The Administrative Law Judge can be reached by contacting William Moore, Rules Coordinator, Court of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7893, and william.t.moore@state.mn.us.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules.

You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days.

After the comment period, there is a five-working-day rebuttal period when the Department and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

The Court of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge via the [Court of Administrative Hearings Rulemaking eComments website \(https://mn.gov/oah/forms-and-filing/ecomments/\)](https://mn.gov/oah/forms-and-filing/ecomments/) no later than 4:30 p.m. on the due date. If using the eComments website is not possible, you may submit post-hearing comments in person or via United States mail addressed to the Administrative Law Judge at the address listed above. All comments or responses received are public data and will be available for review on the eComments website.

This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge, through William Moore, the Court of Administrative Hearings Rules Coordinator listed above.

Modifications. The Department may modify the proposed rules either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted during the public comment and rule hearing process. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally

published in the *State Register*, the Department will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the Department must publish a copy of the changes in the *State Register*.

Adoption Procedure if No Hearing. If no hearing is required, the Department may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Court of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the Department to receive notice of future rule proceedings, submit your request to the Department contact person listed above.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the Department adopts the rules and the rules are filed with the Secretary of State, or register with the Department to receive notice of future rule proceedings by requesting this at the hearing or by writing to the Department contact person stated above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the Department contact person at the address or telephone number listed above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

12/10/2025

Date



Nicole Blissenbach

Commissioner of Minnesota Department of
Labor and Industry