

September 2, 2020

VIA EMAIL ONLY

Linda D. Prail
Minnesota Department of Health
PO Box 64975
Saint Paul, MN 55164
linda.prail@state.mn.us

VIA EMAIL ONLY

Josh Skaar
Minnesota Department of Health
625 N Robert St
Saint Paul, MN 55164
Josh.skaar@state.mn.us

Re: *In the Matter of the Proposed Rules of Minnesota Department of Health Governing Public Pools; Minnesota Rules 4717.0150 – 4717.3975*
OAH 8-9000-36964; Revisor R-4442

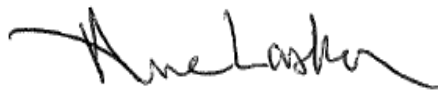
Dear Ms. Prail and Mr. Skaar:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN AND NOTICE OF INTENT TO ADOPT WITHOUT A HEARING** and **ORDER ON REQUEST TO OMIT FROM THE NOTICE THE TEXT OF PROPOSED RULES, PURSUANT TO MINN. STAT. § 14.22, SUBD. 1(B) (2020)** in the above-entitled matter.

Prior to publishing the in the State Register, please notify the Office of Administrative Hearings (OAH) at denise.collins@state.mn.us in order to activate the agency's eComments page on the OAH's website. **Please note that if you do not notify us of the publication, the eComments site will not be available to receive public comments.**

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



ANNE LASKA
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Rules of
Minnesota Department of Health
Governing Public Pools; Minnesota
Rules 4717.0150 – 4717.3975

**ORDER ON REVIEW OF
ADDITIONAL NOTICE PLAN AND
NOTICE OF INTENT TO ADOPT
WITHOUT A HEARING**

This matter came before Administrative Law Judge Eric L. Lipman upon the application of the Minnesota Department of Health (Department) for a legal review under Minn. R. 1400.2060, subp. 1, .2080 (2019).

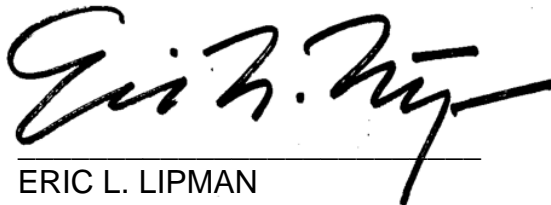
On August 28, 2020, the Department submitted a request for review and approval of its additional notice plan and dual notice.

Based upon a review of the written submissions from the Department, including its plan to notify all pools licensed by the Department, local pool inspectors operating under a delegation from the Department, and a wide range of pool construction and supply companies operating in Minnesota,

IT IS HEREBY ORDERED THAT:

1. The Additional Notice Plan is **APPROVED**.
2. The Notice of Intent to Adopt Without a Hearing is **APPROVED**, provided that the Notice must:
 - (a) Be served in accordance with the timing requirements of Minn. R. 1400.2080, subp. 6 (2019).
 - (b) Specify how the Department will make the Statement of Need and Reasonableness available by the date of service of the “section 14.22 notice” See Minn. Stat. § 14.23 (2020).

Dated: September 1, 2020


ERIC L. LIPMAN
Administrative Law Judge

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Request for Authorization to Omit Proposed
Rules Text from the Notice of Intent to
Adopt Rules Without a Public Hearing

**ORDER ON REQUEST TO OMIT
FROM THE NOTICE THE TEXT OF
PROPOSED RULES, PURSUANT TO
MINN. STAT. § 14.22, SUBD. 1(B) (2020)**

This matter came before Chief Administrative Law Judge Jenny Starr on August 27, 2020. The Minnesota Department of Health (Department) seeks an order authorizing the omission of the proposed rule text when it publishes the Notice of Intent to Adopt Rules Without a Public Hearing (Notice). The Department asserts that publication of the proposed rules in the *State Register* is cost-prohibitive.

As an alternative to publication, the Department pledges that the Notice will state that a free copy of the entire proposed rules will be available upon request to the Department and indicate how to make that request. The Notice will also identify the website link where a copy may be obtained. Finally, the Notice will state the subject matter of the omitted rules, cite the statutory authority for the proposed rules, and outline the proposed rules' purpose. In addition, the Department's Statement of Need and Reasonableness (SONAR) will be transmitted as outlined in the Notice Plan, which SONAR will be available free of charge by request and posted on the Department's website.

IT IS HEREBY ORDERED THAT:

Conditioned upon the Department's use of the procedures outlined in its petition of August 27, 2020, the petition to omit the proposed rule text is **GRANTED**.

Dated: September 2, 2020



JENNY STARR
Chief Administrative Law Judge