

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 539

02/02/2015 Authored by Theis, Peterson, O'Neill, Nelson, Howe and others

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

03/12/2015 Adoption of Report: Amended and re-referred to the Committee on Job Growth and Energy Affordability Policy and Finance

1.1 A bill for an act
1.2 relating to building codes; prohibiting adoption of building codes more
1.3 frequently than once every five years; providing for public notice of adopted
1.4 rules; amending Minnesota Statutes 2014, sections 326B.106, subdivision 1;
1.5 326B.13, subdivision 8.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 326B.106, subdivision 1, is amended to
1.8 read:

1.9 Subdivision 1. **Adoption of code.** (a) Subject to paragraph (c) and sections
1.10 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the
1.11 Construction Codes Advisory Council establish a code of standards for the construction,
1.12 reconstruction, alteration, and repair of buildings, governing matters of structural
1.13 materials, design and construction, fire protection, health, sanitation, and safety, including
1.14 design and construction standards regarding heat loss control, illumination, and climate
1.15 control. The code must also include duties and responsibilities for code administration,
1.16 including procedures for administrative action, penalties, and suspension and revocation
1.17 of certification. The code must conform insofar as practicable to model building codes
1.18 generally accepted and in use throughout the United States, including a code for
1.19 building conservation. In the preparation of the code, consideration must be given to
1.20 the existing statewide specialty codes presently in use in the state. Model codes with
1.21 necessary modifications and statewide specialty codes may be adopted by reference.
1.22 The code must be based on the application of scientific principles, approved tests, and
1.23 professional judgment. To the extent possible, the code must be adopted in terms of
1.24 desired results instead of the means of achieving those results, avoiding wherever possible
1.25 the incorporation of specifications of particular methods or materials. To that end the code

2.1 must encourage the use of new methods and new materials. Except as otherwise provided
2.2 in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the
2.3 provisions of those sections.

2.4 (b) The commissioner shall develop rules addressing the plan review fee assessed
2.5 to similar buildings without significant modifications including provisions for use of
2.6 building systems as specified in the industrial/modular program specified in section
2.7 326B.194. Additional plan review fees associated with similar plans must be based on
2.8 costs commensurate with the direct and indirect costs of the service.

2.9 (c) The commissioner shall not adopt a model building code more frequently than
2.10 once every five years. The commissioner may adopt amendments to the current adopted
2.11 code prior to the adoption of a new model code if necessary to advance construction
2.12 methods or materials that improve the health, safety, efficiency, or use of buildings.

2.13 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to all
2.14 model code adoptions beginning with the 2018 model building code.

2.15 Sec. 2. Minnesota Statutes 2014, section 326B.13, subdivision 8, is amended to read:

2.16 Subd. 8. **Effective date of rules.** A rule to adopt or amend the State Building Code is
2.17 effective ~~180~~ 270 days after publication of the rule's notice of adoption in the State Register.
2.18 The rule may provide for a later effective date. The rule may provide for an earlier effective
2.19 date if the commissioner ~~or board~~ proposing the rule finds that an earlier effective date is
2.20 necessary to protect public health and safety after considering, among other things, the need
2.21 for time for training of individuals to comply with and enforce the rule. The commissioner
2.22 must publish an electronic version of the entire adopted rule chapter on the department's
2.23 Web site within ten days of receipt from the revisor of statutes. The commissioner shall
2.24 clearly indicate the effective date of the rule on the department's Web site.