

Sec. 3. [124.221] Any school district which applies for aid under Minnesota Statutes, Section 124.22 shall be subject to a review by representatives of the state board of education of all school costs including items such as educational programs, staffing ratios, building programs, and all financial operations. The state board may withhold emergency aid from an eligible school district for failure to comply with its recommendations.

Approved May 26, 1971.

---

### CHAPTER 561—S.F.No.580

[Coded in Part]

*An act relating to the state building code; extending its application; providing certain rules for amendments thereof; providing rules for prefabricated structures; providing for a state building inspector, building officials to administer the code in municipalities and a building code standards committee to serve in an advisory capacity; providing penalties; providing for enforcement and appeal; prescribing a schedule of fees and a mode for the collection thereof; and appropriating money therefor; amending Minnesota Statutes 1969, Sections 16.83; 16.84; 16.85, Subdivision 1; and 16.86, Subdivision 5, and by adding subdivisions; Chapter 16, by adding sections; and repealing Minnesota Statutes 1969, Section 16.85, Subdivisions 2, 3 and 4; and 16.87.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 16.83, is amended to read:

**16.83 STATE BUILDING CODE; POLICY AND PURPOSE; APPROPRIATING MONEY.** ~~Sections 16.83 to 16.87~~ 1 to 17 of this act are enacted to enable the commissioner of administration to promulgate and administer a state building code in accordance with the provisions hereof, which code shall govern the construction, reconstruction, alteration, and repair of state-owned buildings and other structures to which the code is applicable. ~~Sections 16.83 to 16.87 also will permit certain governmental subdivisions to adopt the provisions thereof. It is necessary that building codes be adopted and enforced to protect the health, safety, welfare, comfort, and security of the residents of this state. However, the construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.~~

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Many citizens of the state are unable to secure adequate housing at prices or rentals which they can afford. Such a situation is contrary to the public interest and threatens the health, safety, welfare, comfort, and security of the people of the state. Other persons in commerce and industry are also affected by the high cost of construction. Construction costs for buildings of all types have risen and are continuing to rise at unprecedented rates.

A multitude of laws, ordinances, rules, regulations, and codes regulating the construction of buildings and the use of materials therein is a factor contributing to the high cost of construction. Many such requirements are obsolete, complex, and unnecessary. They serve to increase costs without providing correlative benefits of safety to owners, builders, tenants, and users of buildings.

It is the purpose of this act to prescribe and provide for the administration and amendment of a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state who are occupants and users of buildings, and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs.

Sec. 2. Minnesota Statutes 1969, Section 16.84, is amended to read:

16.84 **DEFINITIONS, STATE BUILDING CODE.** Subdivision 1. For the purposes of ~~sections 16.83 to 16.87~~ this act the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of administration.

Subd. 3. "Municipality" means ~~a~~ any city, village, borough, county, town acting through its town board or other instrumentality of state government otherwise authorized by law to enact a building code which, as of the effective date of this act, has such a building code or which subsequently enacts a building code.

Subd. 4. "Code" means the state building code or any amendment thereof promulgated by the commissioner in accordance with the terms of ~~sections 16.83 to 16.87~~ this act.

Subd. 5. ~~"State-owned buildings" means all buildings and structures financed in whole or in part by state funds and which are under the exclusive jurisdiction and custodial control of one or more state departments or agencies. "Committee" means the state building code standards committee established pursuant to this act.~~

Sec. 3. Minnesota Statutes 1969, Section 16.85, Subdivision 1, is amended to read:

**Changes or additions indicated by underline, deletions by strikeout.**

**16.85 GENERAL POWERS OF COMMISSIONER, STATE BUILDING CODE.** Subdivision 1. Subject to the provisions of ~~section 16.86~~ this act the commissioner shall prepare and publish a code of rules, regulations, and standards for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The commissioner may amend such code from time to time ~~in the same manner as provided in sections 16.83 to 16.87 for the promulgation of the initial code~~ this act. The code and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code consideration shall be given to the existing state-wide specialty codes presently in use in the state of Minnesota. Such model codes with modifications as may be deemed necessary and state-wide specialty codes may be adopted by reference. The code so promulgated and any amendments thereof shall be based on the application of scientific principles, approved tests, and professional judgment; and to the extent that it is practical so to do the code shall be promulgated in terms of desired results instead of the means of achieving such results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code shall encourage the use of new methods and new materials.

Sec. 4. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

[16.851] STATE BUILDING CODE, APPLICATION. Effective July 1, 1972, the state building code shall apply state-wide and supersede and take the place of the building code of any municipality. Specifically, the code shall apply to any municipality which as of the effective date of this act has a building code and shall further apply to any municipality which chooses to adopt a building code thereafter. Said building code shall not apply to farm dwellings and buildings, except with respect to electrical inspections.

Sec. 5. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

[16.852] PREFABRICATED STRUCTURES, CODE RULES. On the effective date on which rules promulgated by the commissioner regarding prefabricated structures are given the force and effect of law, this section shall expire and have no force and effect. Until such time as the commissioner adopts rules regarding prefabricated structures the following rules shall be a part of the code and govern the regulations of prefabricated structures:

SBC5001 . . . . . GENERAL

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(a) Purpose. The purpose of this chapter is to regulate materials and establish methods of safe construction where any structure or portion thereof is wholly or partially prefabricated.

(b) Scope. Unless otherwise specifically stated in this chapter, all prefabricated construction and all materials used therein shall conform to all requirements of this code, unless otherwise noted.

(c) Definitions.

(1) "Prefabricated structure" means a residential building or structural unit which has been in whole or substantial part manufactured at an off-site location to be wholly or partially assembled on site, and shall not include mobile homes.

(2) "Installation" means the assembly of a prefabricated structure on site, and the process of affixing the structure to land, a foundation, footings or an existing building.

SBC5002. . . . . TESTS AND MATERIALS

Every approval of a material not specifically mentioned in this code may incorporate as a proviso the kind and number of tests to be made during prefabrication.

SBC5003: . . . . . TESTS OF ASSEMBLIES

The state building inspector may require special tests to be made on prefabricated structures to determine their durability and weather resistance.

SBC5004. . . . . CONNECTIONS

Every device designed to connect prefabricated assemblies shall be capable of developing the strength of the members connected, except in the case of members forming part of structural frame designed as specified in chapter 26. The connection device shall be designed as required by the other chapters in the code. Connections between roofs and the supporting walls shall be capable of withstanding an uplifting equal to five pounds per square foot unless otherwise noted.

SBC5005. . . . . PIPES AND CONDUITS

In structural design, due allowances shall be made for any material to be removed for the installation of pipes, conduits, or other equipment (or on site inspection).

SBC5006. . . . . CERTIFICATE AND INSPECTION OF MATERIALS AND MANUFACTURE

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

The manufacturer shall submit complete details, drawings and specifications of the assembly before any material is delivered to the site for the approval of the state building inspector. No prefabricated structure shall be sold, offered for sale, or installed in the state and no permit shall be issued with respect to a building consisting in whole or part of a prefabricated structure unless the materials therein and manufacture thereof have been certified by the state building inspector to be in compliance with the code. The state building inspector shall make such inspections as necessary to insure compliance and may send inspectors into other states to inspect the manufacture of prefabricated structures to be sold, offered for sale, or installed in the state of Minnesota. All costs incurred by the state building inspector by virtue of the inspection of materials and manufacture shall be paid by the involved manufacturer. Following inspection and payment by the manufacturer of the costs arising therefrom the state building inspector shall issue a certification with respect to each prefabricated structure deemed to be in compliance with the code and a copy of such certificate shall be affixed to the structure or part thereof. The state building inspector's certification that a prefabricated structure complies with the code shall be conclusive on all agencies and instrumentalities of the state and its political subdivisions. The state building inspector shall require a certificate from the manufacturer which shall:

(1) Identify the manufacturer of the prefabricated structure or component of the prefabricated structure.

(2) Identify, by serial number or otherwise, the particular prefabricated structure or component of the prefabricated structure being certified as in compliance with the provisions of the code.

(3) Certify that the materials used in the manufacture of prefabricated structures or component of the prefabricated structures are in compliance with the provisions of the code.

After certification no changes in or modifications to the prefabricated structure or part thereof may be made by the manufacturer without the approval of the state building inspector.

SBC5007 . . . . . ON-SITE ASSEMBLY AND INSTALLATION

The installation of prefabricated structures shall comply with the provisions of the code and shall be subject to the inspection of the building official of the jurisdiction in which the site is situated.

SBC5008 . . . . . CONTINUOUS INSPECTION

If continuous inspection is required for certain materials where construction takes place on site, it shall be required where the same materials are used in prefabricated construction.

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

Subd. 3. For the purposes of the state-wide building code, unless the context clearly indicates otherwise, the following substitutions shall be made in the state building code:

(a) "Building official" for "administrative authority";

(b) "Governing body" for "mayor" and "city council";

(c) "Municipality" for the "city".

Sec. 6. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

**[16.853] BUILDING CODE STANDARDS COMMITTEE.** Subdivision 1. CREATION. As soon after July 1, 1971, as is possible the governor of the state of Minnesota shall appoint a building code standards committee which shall serve in an advisory capacity to the commissioner in promulgating the code and making such amendments thereto as the commissioner shall from time to time deem necessary.

Subd. 2. COMPOSITION. The committee shall consist of nine members who are residents of the state. The state building inspector shall serve as secretary of the committee but shall not be a member thereof. The nine members shall be initially appointed for the following terms: three members for two year terms, three members for three year terms and three members for four year terms. Thereafter, each member shall be appointed to serve a four year term and until his successor is appointed and qualifies. The membership shall be broadly representative of the industries and professions involved in the development and construction of buildings including representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, governing bodies of local government and the general public.

Subd. 3. INTERNAL AUTHORITY AND COMPENSATION. The committee shall elect its own chairman, adopt rules and regulations for its procedure and meet when so directed by the commissioner. The committee is further empowered, subject to the approval of the commissioner and the limits of appropriations provided therefor, to employ such assistance as it deems necessary. Members of the committee shall serve without compensation but shall be reimbursed for their travel and other necessary expenses as provided for state employees.

Sec. 7. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

**[16.854] STATE BUILDING INSPECTOR.** Subdivision 1. APPOINTMENT. As soon after July 1, 1971, as is possible the commis-

Changes or additions indicated by underline, deletions by ~~strikeout~~.

sioner shall appoint a state building inspector who under the direction and supervision of the commissioner shall administer the code. The state building inspector shall serve at the pleasure of the commissioner within the department of administration and shall be in the unclassified service of the state.

Subd. 2. QUALIFICATIONS. To be eligible for appointment as state building inspector an individual must be competent in the field of administration and shall have had such previous experience in building design, construction and supervision as the commissioner deems necessary.

Subd. 3. POWERS AND DUTIES. The state building inspector may, with the approval of the commissioner, employ such personnel as are necessary to carry out his function under this act. By January 1, 1972, the state building inspector shall distribute without charge one copy of the code to each municipality within the state. Additional copies shall be made available to municipalities and interested parties for such fee as the commissioner shall prescribe. In addition to the duties imposed upon the state building inspector by this act, he shall perform such other duties in administering the code as the commissioner may assign.

Sec. 8. Minnesota Statutes 1969, Section 16.86, Subdivision 5, is amended to read:

Subd. 5. As applied to state-owned buildings Under the direction and supervision of the commissioner , the provisions of the code relating to electrical installations shall be enforced by the state board of electricity, pursuant to the Minnesota Electrical Act, the provisions relating to plumbing shall be enforced by the state board of health, the provisions relating to fire protection shall be enforced by the state fire marshal, the provisions relating to high pressure steam piping and appurtenances and elevators shall be enforced by the department of labor and industry, and the code as applied to public school buildings shall be enforced by the state board of education. Fees for inspections conducted by the state board of electricity shall be paid on an hourly basis in accordance with the rules and regulations of the state board of electricity provided the maximum fee for any such inspection shall be established by the state architect based on the cost of the electrical installation .

Sec. 9. Minnesota Statutes 1969, Section 16.86, is amended by adding subdivisions to read:

Subd. 6. Any interested person may propose amendments to the code, which proposed amendments may be either applicable to all municipalities or, where it is alleged and established that conditions exist within a municipality which are not generally found within other municipalities, amendments may be restricted in application to

Changes or additions indicated by underline, deletions by ~~strikeout~~.

such municipality. Notice of public hearings on proposed amendments shall be given to the governing bodies of all municipalities in addition to those persons entitled to notice pursuant to the administrative procedure act.

Subd. 7. ADOPTION. The commissioner shall approve any proposed amendments which he deems to be reasonable, in conformity with the policy and purpose of the code and justified under the particular circumstances involved. Upon adoption, a copy of each amendment shall be distributed to the governing bodies of all municipalities affected thereby.

Subd. 8. INVESTIGATION AND RESEARCH. With the approval of the commissioner the state building inspector and the committee shall from time to time make or cause to be made investigations, or may accept authenticated reports from authoritative sources, concerning new materials or modes of construction intended for use in the construction of buildings or structures, and shall propose amendments to the code setting forth the conditions under which the materials or modes may be used, in accordance with the standards and procedures of this act.

Sec. 10. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

[16.861] BUILDING OFFICIALS. Subdivision 1. APPOINTMENTS. Not later than 90 days prior to July 1, 1972, the governing body of each municipality shall, unless other means are already provided, appoint a person to administer the code who shall be known as building official. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been appointed by the designated date, the state building inspector, with the approval of the commissioner, may appoint building officials to serve said municipalities until such time as the municipalities have made an appointment. If the state building inspector is unable to make such appointment he may use such state employees or state agencies as are necessary to perform the duties of the building official. All costs incurred by virtue of an appointment by the state building inspector or services rendered by state employees shall be borne by the involved municipality. Receipts arising therefrom shall be paid into the state treasury and credited to the general fund.

Subd. 2. QUALIFICATIONS. The building official, to be eligible for appointment, shall have had such experience in design, construction and supervision as the commissioner deems necessary and shall further be generally informed on the quality and strength of building materials, accepted building construction requirements and the nature of equipment and needs conducive to the safety, comfort and

**Changes or additions indicated by underline, deletions by strikeout.**

convenience of building occupants. Said building official shall be certified under the provisions of this section, except that the qualifications outlined in this section are not mandatory regarding any building official in any municipality engaged in the administration of a building code on the effective date of this act and continuing said function through July 1, 1972.

Subd. 3. CERTIFICATION. The civil service department of the state of Minnesota, with the approval of the commissioner, shall either:

(a) Prepare and conduct oral, written and practical examinations to determine if a person is qualified pursuant to subdivision 2 of this section to be a building official or

(b) Accept documentation of successful completion of programs of training developed by public agencies, as proof of qualification pursuant to subdivision 2 of this section. Upon a determination of qualification under either clause (a) or (b) of this section the commissioner shall issue or cause to be issued a certificate to the building official stating that he is so certified. Each person applying for examination and certification pursuant to this section shall pay a fee of \$20. The civil service department and the commissioner or his designee may establish classes of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. Except as provided by subdivision 2 of this section, no person shall act as a building official for any municipality unless the civil service department and the commissioner determine that he is so qualified. The civil service department may, with approval of the commissioner, prepare and conduct educational programs designed to train and assist building officials in carrying out their responsibilities and may institute any such program after July 1, 1972. The commissioner shall reimburse the civil service department for costs of any services performed by them pursuant to this act.

Subd. 4. DUTIES. Building officials shall, in the municipality for which they are appointed, attend to all aspects of code administration, including the issuance of all building permits. The commissioner may direct a municipality having a building official to perform services for another municipality, and in such event the municipality being served shall pay the municipality rendering such services the reasonable costs thereof. Such costs may be subject to approval by the commissioner.

Subd. 5. REMOVAL FROM OFFICE. Except as otherwise provided for by law the commissioner may, upon notice and hearing, direct the dismissal of any building official when it appears to him by competent evidence that said building official has consistently failed to act in the public interest in the performance of his duties. Such notice shall be provided and the hearing conducted in accordance with

Changes or additions indicated by underline, deletions by ~~strikeout~~.

the provisions of Minnesota Statutes 1969, Chapter 15, governing contested case proceedings. Nothing in this subdivision shall be construed to limit or otherwise affect the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.

Sec. 11. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

**[16.862] CERTAIN INSPECTIONS.** The state building inspector may, upon an application setting forth a set of plans and specifications that will be utilized in more than one municipality to acquire building permits, review and approve the application for the construction or erection of any building or structure designed to provide dwelling space for not more than two families if such set of plans meet the requirements of the state building code. All costs incurred by the state building inspector by virtue of the examination of such a set of plans and specifications shall be paid by the applicant. Said plans and specifications or any plans and specifications required to be submitted to a state agency shall be submitted to the state building inspector who shall examine said instruments and if necessary distribute them to the appropriate state agencies for scrutiny regarding adequacy as to electrical, fire safety and all other appropriate features. Such state agencies shall examine and promptly return said plans and specifications together with their certified statement as to the adequacy of the instruments regarding that agency's area of concern. Any building official shall issue a building permit upon application and presentation to him of such a set of plans and specifications bearing the approval of the state building inspector if the requirements of all other local ordinances are satisfied.

Sec. 12. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

**[16.863] APPEALS.** Any person aggrieved by the final decision of any municipality as to the application of the code may, within 30 days of said decision, appeal to the commissioner. Appellant shall submit a fee of \$20, payable to the commissioner, with his request for appeal. The final decision of the involved municipality shall be subject to review de novo by the commissioner or his designee, and the commissioner shall submit his written findings to the involved parties. Any person aggrieved by any ruling of the commissioner may appeal to the district court in the county in which the dispute arose.

Sec. 13. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

**[16.864] CERTAIN PERMITS.** Building permits or certificates of occupancy validly issued before July 1, 1972, regarding buildings or

Changes or additions indicated by underline, deletions by ~~strikeout~~.

structures being constructed or altered pursuant thereto, shall be valid thereafter and the construction may be completed pursuant to the building permit, unless the building official determines that life or property is in jeopardy.

Sec. 14. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

[16.865] VIOLATIONS: PENALTY PROVISION. Any violation of provisions of the code is a misdemeanor.

Sec. 15. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

[16.866] SURCHARGE. Subdivision 1. COMPUTATION. For the purpose of defraying the costs of administering the provisions of this act there is hereby imposed a surcharge on all permits issued by municipalities in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances, on and after July 1, 1971, as follows:

(a) Where the fee for the permit issued is fixed in amount the surcharge shall be equivalent to ½ mill (.0005) of such fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to ½ mill (.0005) of the valuation of the structure, addition or alteration. Provided however, that where the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be \$1,000, where said valuation is equal to or greater than \$10,000,000 but less than \$20,000,000 the surcharge shall be \$1,500 and where said valuation is equal to or greater than \$20,000,000 the surcharge shall be \$2,000.

Subd. 2. COLLECTION AND REPORTS. All permit surcharges shall be collected by each municipality and remitted to the state. Each municipality having a population greater than 20,000 people shall, on a monthly basis, prepare and submit to the commissioner a report of fees and surcharges thereon collected during the previous month. All other municipalities shall submit said report and surcharges thereon on a quarterly basis. The report, which shall be in a form prescribed by the commissioner, shall be submitted together with a remittance covering the surcharges collected by no later than the 15th day following the month or quarter in which said surcharges are collected. All surcharges and other fees prescribed by this act, which are payable to the state, shall be paid to the commissioner who shall deposit same in the state treasury for credit to the general fund.

Sec. 16. Minnesota Statutes 1969, Chapter 16, is amended by adding a section to read:

**Changes or additions indicated by underline, deletions by ~~strikeout~~.**

[16.867] APPROPRIATION. The sum of \$650,000 or so much thereof as may be necessary, is hereby appropriated out of the general fund of the state treasury to the commissioner for the biennium beginning July 1, 1971, to enable him to carry out the purposes of this act. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Sec. 17. Minnesota Statutes 1969, Section 16.85, Subdivisions 2, 3 and 4; and 16.87, are repealed.

Approved May 26, 1971.

---

#### CHAPTER 562—H.F.No.168

*An act relating to game and fish; payments to counties in lieu of taxes on certain wildlife lands; amending Minnesota Statutes 1969, Section 97.49, Subdivision 3.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 97.49, Subdivision 3, is amended to read:

Subd. 3. **GAME AND FISH; PUBLIC HUNTING GROUNDS AND GAME REFUGES; PAYMENTS TO COUNTIES.** A sum equal to 35 percent of the gross receipts from all special use permits and leases of lands acquired for public hunting grounds and game refuges or ~~25~~ 50 cents per acre on purchased land actually used for public hunting grounds and game refuges, whichever amount is the greater, shall be paid out of the game and fish fund annually to the county in which said lands are located, to be distributed by the county treasurer among the various funds of the county, the respective towns and school districts wherein such grounds and refuges lie, on the same basis as if the payments were received as taxes on such lands, payable in the current year, but this provision shall not apply to state trust fund lands or any other state lands not purchased for game refuge and public hunting ground purposes.

Approved May 27, 1971.

Changes or additions indicated by underline, deletions by ~~strikeout~~.