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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2262

02/25/2014 Authored by McNamar, Falk and Zerwas

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance and Policy

1.1 A bill for an act
1.2 relating to building codes; regulating inspection authority of local units of
1.3 government; amending Minnesota Statutes 2012, sections 326B.103, subdivision
1.4 13; 326B.106, subdivision 2; Minnesota Statutes 2013 Supplement, section
1.5 326B.103, subdivision 11.

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

1.7 Section 1. Minnesota Statutes 2013 Supplement, section 326B.103, subdivision 11,
1.8 is amended to read:

1.9 Subd. 11. **Public building.** "Public building" means a building and its grounds the
1.10 cost of which is paid for by the state or a state agency regardless of its cost, and a school
1.11 district building project or charter school building project the cost of which is ~~\$100,000~~
1.12 \$500,000 or more.

1.13 Sec. 2. Minnesota Statutes 2012, section 326B.103, subdivision 13, is amended to read:

1.14 Subd. 13. **State licensed facility.** "State licensed facility" means a project with a
1.15 cost of \$500,000 or more for a building and its grounds that are licensed by the state as a
1.16 hospital, nursing home, supervised living facility, free-standing outpatient surgical center,
1.17 correctional facility, boarding care home, or residential hospice.

1.18 Sec. 3. Minnesota Statutes 2012, section 326B.106, subdivision 2, is amended to read:

1.19 Subd. 2. **Administration by commissioner.** (a) The commissioner shall administer
1.20 and enforce the State Building Code as a municipality with respect to public buildings and
1.21 state licensed facilities in the state. The commissioner shall establish appropriate permit,
1.22 plan review, inspection fees, and surcharges for public buildings and state licensed facilities.

2.1 **(b)** Municipalities other than the state having an agreement with the commissioner
2.2 for code administration and enforcement service for public buildings and state licensed
2.3 facilities shall charge their customary fees, including surcharge, to be paid directly to
2.4 the jurisdiction by the applicant seeking authorization to construct a public building or
2.5 a state licensed facility. The commissioner shall sign an agreement with a municipality
2.6 other than the state for plan review, code administration, and code enforcement service for
2.7 public buildings and state licensed facilities in the jurisdiction if the building officials of
2.8 the municipality meet the requirements of section 326B.133 and wish to provide those
2.9 services and if the commissioner determines that the municipality has enough adequately
2.10 trained and qualified building inspectors to provide those services for the construction
2.11 project. In determining whether a building inspector is adequately trained and qualified,
2.12 the commissioner must not impose additional requirements beyond those required by
2.13 section 326B.133, subdivision 3, for designation as a certified building inspector. In
2.14 determining whether a municipality has enough adequately trained and qualified building
2.15 inspectors to provide the service, the commissioner must include all building inspectors
2.16 who are employed by the municipality, are under contract with the municipality to provide
2.17 building inspection services, or are obligated to provide building inspection services to the
2.18 municipality under any other lawful agreement.

2.19 **(c)** The commissioner must respond within 30 days to a request from a municipality
2.20 for an agreement under this subdivision. If the commissioner declines to enter into
2.21 an agreement within 30 days, the commissioner must provide written reasons for the
2.22 refusal and inform the municipality of the action the municipality must take for the
2.23 commissioner to enter into an agreement. A municipality aggrieved by a final decision of
2.24 the commissioner not to enter an agreement under this subdivision may obtain judicial
2.25 review of the decision pursuant to sections 14.63 to 14.69.

2.26 **(d)** The commissioner may direct the state building official to assist a community
2.27 that has been affected by a natural disaster with building evaluation and other activities
2.28 related to building codes.

2.29 **(e)** Administration and enforcement in a municipality under this section must apply
2.30 any optional provisions of the State Building Code adopted by the municipality. A
2.31 municipality adopting any optional code provision shall notify the state building official
2.32 within 30 days of its adoption.

2.33 **(f)** The commissioner shall administer and enforce the provisions of the code relating
2.34 to elevators statewide, except as provided for under section 326B.184, subdivision 4.