

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1926

(SENATE AUTHORS: KOENEN and Weber)

DATE	D-PG	OFFICIAL STATUS
02/25/2014	5850	Introduction and first reading Referred to Jobs, Agriculture and Rural Development
03/26/2014	6840a 6864	Comm report: To pass as amended Second reading
04/24/2014		Special Order: Amended Third reading Passed

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, section 326B.106, subdivision
 1.4 2, by adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2012, section 326B.106, subdivision 2, is amended to
 1.7 read:

1.8 Subd. 2. **Public buildings and state licensed facilities; administration by**
 1.9 **commissioner.** Unless the commissioner has entered into an agreement under subdivision
 1.10 2a or subdivision 2b, the commissioner shall administer and enforce the State Building
 1.11 Code as a municipality with respect to public buildings and state licensed facilities in the
 1.12 state. The commissioner shall establish appropriate permit, plan review, inspection fees,
 1.13 and surcharges for public buildings and state licensed facilities.

1.14 ~~Municipalities other than the state having an agreement with the commissioner~~
 1.15 ~~for code administration and enforcement service for public buildings and state licensed~~
 1.16 ~~facilities shall charge their customary fees, including surcharge, to be paid directly to the~~
 1.17 ~~jurisdiction by the applicant seeking authorization to construct a public building or a state~~
 1.18 ~~licensed facility. The commissioner shall sign an agreement with a municipality other than~~
 1.19 ~~the state for plan review, code administration, and code enforcement service for public~~
 1.20 ~~buildings and state licensed facilities in the jurisdiction if the building officials of the~~
 1.21 ~~municipality meet the requirements of section 326B.133 and wish to provide those services~~
 1.22 ~~and if the commissioner determines that the municipality has enough adequately trained~~
 1.23 ~~and qualified building inspectors to provide those services for the construction project.~~

2.1 ~~The commissioner may direct the state building official to assist a community that~~
2.2 ~~has been affected by a natural disaster with building evaluation and other activities related~~
2.3 ~~to building codes.~~

2.4 ~~Administration and enforcement in a municipality under this section must apply~~
2.5 ~~any optional provisions of the State Building Code adopted by the municipality. A~~
2.6 ~~municipality adopting any optional code provision shall notify the state building official~~
2.7 ~~within 30 days of its adoption.~~

2.8 ~~The commissioner shall administer and enforce the provisions of the code relating to~~
2.9 ~~elevators statewide, except as provided for under section 326B.184, subdivision 4.~~

2.10 Sec. 2. Minnesota Statutes 2012, section 326B.106, is amended by adding a
2.11 subdivision to read:

2.12 Subd. 2a. **Public buildings and state licensed facilities; municipal agreement**
2.13 **for all building projects.** (a) The commissioner shall enter into an agreement with a
2.14 municipality other than the state for plan review, inspection, code administration, and
2.15 code enforcement on public buildings and state licensed facilities in the jurisdiction if
2.16 the municipality requests to provide those services and the commissioner determines
2.17 that the municipality has enough adequately trained and qualified inspectors to provide
2.18 those services. In determining whether a municipality has enough adequately trained and
2.19 qualified inspectors to provide the service, the commissioner must consider all inspectors
2.20 that are employed by the municipality, are under contract with the municipality to provide
2.21 inspection services, or are obligated to provide inspection services to the municipality
2.22 under any other lawful agreement.

2.23 (b) The criteria used to make this determination shall be provided in writing to
2.24 the municipality requesting an agreement.

2.25 (c) If the commissioner determines that the municipality lacks enough adequately
2.26 trained and qualified inspectors to provide the required services, a written explanation of
2.27 the deficiencies shall be provided to the municipality.

2.28 (d) The municipality shall be given an opportunity to remedy any deficiencies
2.29 and request reconsideration of the commissioner's determination. A request for
2.30 reconsideration must be in writing and accompanied by substantiating documentation. A
2.31 request for reconsideration must be received by the commissioner within 90 days of the
2.32 determination explanation. The commissioner shall review the information and issue a
2.33 final determination to the municipality within 30 days of the request.

2.34 (e) A municipality aggrieved by a final decision of the commissioner to not enter into
2.35 an agreement may appeal to be heard as a contested case in accordance with chapter 14.

3.1 Sec. 3. Minnesota Statutes 2012, section 326B.106, is amended by adding a
3.2 subdivision to read:

3.3 Subd. 2b. **Public buildings and state licensed facilities; municipal agreement**
3.4 **for certain building projects.** The commissioner shall enter into an agreement with a
3.5 municipality other than the state for inspection, code administration, and code enforcement
3.6 of reserved projects occurring on public buildings and state licensed facilities in its
3.7 jurisdiction if the municipality has a designated building official as required by section
3.8 326B.133 and requests to provide those services.

3.9 For purposes of this subdivision, "reserved projects" includes the following:

3.10 (1) roof covering replacement that does not add roof load;

3.11 (2) towers requiring special inspection;

3.12 (3) single-level storage buildings not exceeding 5,000 square feet;

3.13 (4) exterior maintenance work, including replacement of siding, windows, and doors;

3.14 (5) HVAC unit replacement that does not add roof load or ventilation capacity;

3.15 (6) accessibility upgrades not involving building additions or structural alterations;

3.16 (7) remodeling that does not change the building's occupancy, structural system, exit
3.17 access or discharge pattern, or mechanical load; and

3.18 (8) other projects determined to be reserved by the commissioner.

3.19 Sec. 4. Minnesota Statutes 2012, section 326B.106, is amended by adding a
3.20 subdivision to read:

3.21 Subd. 2c. **Municipal fees.** Municipalities other than the state having an agreement
3.22 under subdivision 2a with the commissioner for code administration and enforcement
3.23 service for public buildings and state licensed facilities or inspecting under authority of
3.24 subdivision 2b shall charge their customary fees, including surcharge, to be paid directly
3.25 to the jurisdiction by the applicant seeking authorization to construct a public building or
3.26 a state licensed facility.

3.27 Sec. 5. Minnesota Statutes 2012, section 326B.106, is amended by adding a
3.28 subdivision to read:

3.29 Subd. 2d. **Public buildings and state licensed facilities; municipal obligation.**
3.30 An agreement with the commissioner under subdivision 2a or 2b must require the
3.31 municipality to attend to applicable aspects of code administration and enforcement as
3.32 described in the agreement and established by rule.

4.1 Sec. 6. Minnesota Statutes 2012, section 326B.106, is amended by adding a
4.2 subdivision to read:

4.3 Subd. 2e. **Public buildings and state licensed facilities; applicable code.**
4.4 Administration and enforcement in a municipality under subdivision 2a and 2b must
4.5 apply any optional provisions of the State Building Code adopted by the municipality. A
4.6 municipality adopting any optional code provision shall notify the state building official
4.7 within 30 days of its adoption.

4.8 Sec. 7. Minnesota Statutes 2012, section 326B.106, is amended by adding a
4.9 subdivision to read:

4.10 Subd. 2f. **Natural disasters.** The commissioner may direct the state building
4.11 official to assist a community that has been affected by a natural disaster with building
4.12 evaluation and other activities related to building codes.

4.13 Sec. 8. Minnesota Statutes 2012, section 326B.106, is amended by adding a
4.14 subdivision to read:

4.15 Subd. 2g. **Elevators.** The commissioner shall administer and enforce the provisions
4.16 of the code relating to elevators statewide, except as provided for under section 326B.184,
4.17 subdivision 4.