

**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	Comm report: To pass as amended
	6864	Second reading
04/24/2014	8270a	Special Order: Amended
	8273	Third reading Passed

A bill for an act

1.1  
 1.2 relating to building codes; regulating inspection authority of local units of  
 1.3 government; prohibiting mandatory fire sprinkler regulations; amending  
 1.4 Minnesota Statutes 2012, sections 326B.106, subdivision 2, by adding  
 1.5 subdivisions; 326B.188.

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

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

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

1.15 ~~Municipalities other than the state having an agreement with the commissioner~~  
 1.16 ~~for code administration and enforcement service for public buildings and state licensed~~  
 1.17 ~~facilities shall charge their customary fees, including surcharge, to be paid directly to the~~  
 1.18 ~~jurisdiction by the applicant seeking authorization to construct a public building or a state~~  
 1.19 ~~licensed facility. The commissioner shall sign an agreement with a municipality other than~~  
 1.20 ~~the state for plan review, code administration, and code enforcement service for public~~  
 1.21 ~~buildings and state licensed facilities in the jurisdiction if the building officials of the~~  
 1.22 ~~municipality meet the requirements of section 326B.133 and wish to provide those services~~  
 1.23 ~~and if the commissioner determines that the municipality has enough adequately trained~~  
 1.24 ~~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.

4.18 Sec. 9. Minnesota Statutes 2012, section 326B.188, is amended to read:

4.19 **326B.188 TIMELINE FOR COMPLIANCE WITH ELEVATOR CODE**  
4.20 **CHANGES AFFECTING EXISTING ELEVATORS AND RELATED DEVICES.**

4.21 Subdivision 1. **Existing elevators and related devices.** (a) This section subdivision  
4.22 applies to code requirements for existing elevators and related devices under Minnesota  
4.23 Rules, chapter 1307, where the deadline set by law for meeting the code requirements is  
4.24 January 29, 2012, or later.

4.25 (b) If the department or municipality conducting elevator inspections within its  
4.26 jurisdiction notified the owner of an existing elevator or related device of the code  
4.27 requirements before August 1, 2011, the owner may submit a compliance plan by  
4.28 December 30, 2011. If the department or municipality did not notify the owner of an  
4.29 existing elevator or related device of the code requirements before August 1, 2011, the  
4.30 department or municipality shall notify the owner of the code requirements and permit  
4.31 the owner to submit a compliance plan by December 30, 2011, or within 60 days after  
4.32 the date of notification, whichever is later.

5.1 (c) Any compliance plan submitted under this ~~section~~ subdivision shall result in  
5.2 compliance with the code requirements by the later of January 29, 2012, or three years  
5.3 after submission of the compliance plan. Elevators and related devices that are not in  
5.4 compliance with the code requirements by the later of January 29, 2012, or three years  
5.5 after the submission of the compliance plan may be taken out of service as provided in  
5.6 section 326B.175.

5.7 (d) Notwithstanding any other provision of this subdivision, the deadline for  
5.8 compliance with code requirements is December 31, 2017, for an elevator installed prior  
5.9 to January 27, 2007, in a residential common interest ownership property having five or  
5.10 fewer floors not including the basement.

5.11 Subd. 2. **Mandatory fire sprinklers prohibited.** (a) The State Building Code,  
5.12 the State Fire Code, or a political subdivision of the state by code or ordinance must  
5.13 not require the installation of fire sprinklers, any fire sprinkler system components, or  
5.14 automatic fire-extinguishing equipment or devices in any new or existing single-family  
5.15 detached dwelling unit, two-family dwelling unit, townhome, or accessory structure such  
5.16 as a garage, covered patio, deck, porch, storage shed, or similar structure.

5.17 (b) This subdivision does not affect or limit a requirement for smoke or fire  
5.18 detectors, alarms, or their components.

5.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.