

*body of the city of South Saint Paul and upon compliance with Minnesota Statutes, Section 645.021.*

Approved May 28, 1969.

CHAPTER 850—S. F. No. 950

[Coded in Part]

*An act relating to the adoption of a state building code; amending Minnesota Statutes 1967, Sections 16.84, by adding a subdivision; 16.85; 16.86; 16.87; and 471.62.*

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

Section 1. Minnesota Statutes 1967, Section 16.84, is amended by adding a subdivision to read:

*Subd. 5. State building code. "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.*

Sec. 2. Minnesota Statutes 1967, Section 16.85, is amended to read:

**16.85 Powers of commissioner, state building code.** Subdivision 1. Subject to the provisions of section 16.86 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. 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

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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.

Subd. 2. *Within the department of administration the commissioner may appoint a director and such employees as he may deem necessary to carry out the work necessary to promulgate a code, and he may contract in the name of the state for such persons or for such work as may be necessary in performing his duties under sections 16.83 to 16.87. Personnel employed within the department shall be in the unclassified service of the state; any contracts for professional assistance and service he would make, however, shall not be subject to provisions of law relating to competitive bidding.*

Subd. 3. *The commissioner shall appoint such advisory committees as he deems necessary with whom he shall consult in connection with the promulgation and amendment of the code. The members of such advisory committees shall be representative of the construction design profession, building trades, construction contractors, the public, and governmental or other agencies or associations who are experienced in the field of building construction or regulation, and the commissioner in the selection of such advisory committee shall, as far as practicable, give each segment of the construction industry equal representation.*

Subd. 4. *Whenever the commissioner amends the code he shall mail at least four copies of the amendments to all political subdivisions that have adopted the code or any part thereof and have advised the commissioner of such adoption. Such amendment shall become effective in such political subdivisions only after it has been duly adopted by its governing body in accordance with law.*

Sec. 3. Minnesota Statutes 1967, Section 16.86, is amended to read:

**16.86 Application of administrative procedure act; enforcement.** *Subdivision 1. Except as herein provided the commissioner shall be subject to the provisions of the administrative procedure act and judicial review therefrom and the code or any amendment thereof shall go into effect in accordance with the provisions of such act. When placed into effect the provisions of such code relating to electrical installations shall be enforced by the state board of electricity insofar as the board is authorized to inspect electrical installations.*

Subd. 2. *The commissioner shall not be required to publish or distribute those parts of the code which are adopted by reference, and publication within the meaning of the administrative procedures*

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*act shall nevertheless be deemed complete. The commissioner shall publish with the code and annually thereafter a list of places where copies of those parts of the code adopted by reference may be obtained together with the approximate cost thereof.*

*Subd. 3. The commissioner shall file one copy of the complete code with the secretary of state, provided that all standards referred to in any model or state-wide specialty code or any of the modifications thereto need not be so filed. All standards referred to therein shall be kept on file and available for inspection in the office of the commissioner.*

*Subd. 4. The commissioner may hold joint hearings with any other state department or agency whenever the department or agency proposes to amend its rules and regulations which are incorporated by reference into the code or whenever the commissioner proposes to incorporate such regulations into the code.*

*Subd. 5. As applied to state-owned buildings, the provisions of the code relating to electrical installations shall be enforced by the state board of electricity, 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. 4. Minnesota Statutes 1967, Section 16.87, is amended to read:

**16.87 Adoption of building code by municipalities.** *The state building code shall have no application to other than state-owned buildings in a municipality unless the governing body of the municipality adopts the state building code or any part thereof by reference as a code within the meaning of Minnesota Statutes Section 471.62; provided that the state board of education may adopt the code and apply it to public school buildings in the same manner as the code applies to state-owned buildings. State-owned buildings and structures shall not be subject to any ordinance, rule, regulation, or standard of any political subdivision of the state. State-owned buildings shall be exempt from all permit, inspection, and license fees ex-*

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*cept as otherwise provided in Minnesota Statutes Section 16.86, Subdivision 5.*

Sec. 5. Minnesota Statutes 1967, Section 471.62, is amended to read:

471.62 **Statutes, rules, or regulations may be adopted by reference.** Any village, borough, or town, however organized, may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the municipality, or any code. Any such municipality situated wholly or partly within 20 miles of the limits of a city of the first class may similarly adopt by reference any ordinance of such first class city or of any contiguous first class city regulating the construction, alteration, improvement, repair, or maintenance of buildings or the installation of equipment therein. All requirements of statutes and charters for the publication or posting of ordinances shall be satisfied in such case if the ordinance incorporating the statute, regulation ordinance or code is published or posted in the required manner and if, prior to such posting or publication, at least ~~three copies~~ *one copy* of the ordinance or code ~~are~~ *is* marked as *the official copies copy* and filed for use and examination by the public in the office of the municipal clerk or recorder. Provisions of the statute, rule, regulation ordinance or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein. The clerk or recorder of the municipality shall furnish a copy of any such ordinance thus incorporated by reference at cost to any person upon request. This section does not authorize any municipality to adopt ordinances on any subject on which it does not have power by statute or charter to legislate. The term "code" as used herein means any compilation of regulations or standards or part thereof prepared by any governmental agency, including regional and county planning agencies or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, planning, zoning, subdivision, housing, public health, safety, or welfare.

Approved May 28, 1969.

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CHAPTER 851—S. F. No. 1102

[Coded]

*An act relating to the promotion, advertising, research and the development of milk and milk products; providing for a Minnesota*

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