

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 1839

(SENATE AUTHORS: HOWE)

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OFFICIAL STATUS
Introduction and first reading
Referred to Jobs and Economic Growth Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; modifying fire protection features; amending Minnesota
1.3 Statutes 2018, sections 326B.103, by adding a subdivision; 326B.106, subdivisions
1.4 1, 3, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 326B.103, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 7a. Fire protection feature. "Fire protection feature" means required fire separation
1.9 walls, adequacy of fire safety, protection of egress components, elevator fire service features,
1.10 fire sprinkler systems, fire standpipe systems, fire extinguishing systems, and fire alarm
1.11 systems.

1.12 Sec. 2. Minnesota Statutes 2018, section 326B.106, subdivision 1, is amended to read:

1.13 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections
1.14 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the
1.15 Construction Codes Advisory Council establish a code of standards for the construction,
1.16 reconstruction, alteration, and repair of buildings, governing matters of structural materials,
1.17 design and construction, ~~fire protection~~, health, sanitation, and safety, including design and
1.18 construction standards regarding heat loss control, illumination, and climate control. The
1.19 code must also include duties and responsibilities for code administration, including
1.20 procedures for administrative action, penalties, and suspension and revocation of certification.
1.21 The code must conform insofar as practicable to model building codes generally accepted
1.22 and in use throughout the United States, including a code for building conservation. In the
1.23 preparation of the code, consideration must be given to the existing statewide specialty

2.1 codes presently in use in the state. Model codes with necessary modifications and statewide
2.2 specialty codes may be adopted by reference. The code must be based on the application
2.3 of scientific principles, approved tests, and professional judgment. To the extent possible,
2.4 the code must be adopted in terms of desired results instead of the means of achieving those
2.5 results, avoiding wherever possible the incorporation of specifications of particular methods
2.6 or materials. To that end the code must encourage the use of new methods and new materials.
2.7 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall
2.8 administer and enforce the provisions of those sections.

2.9 (b) The commissioner shall develop rules addressing the plan review fee assessed to
2.10 similar buildings without significant modifications including provisions for use of building
2.11 systems as specified in the industrial/modular program specified in section 326B.194.
2.12 Additional plan review fees associated with similar plans must be based on costs
2.13 commensurate with the direct and indirect costs of the service.

2.14 (c) Beginning with the 2018 edition of the model building codes and every six years
2.15 thereafter, the commissioner shall review the new model building codes and adopt the model
2.16 codes as amended for use in Minnesota, within two years of the published edition date. The
2.17 commissioner may adopt amendments to the building codes prior to the adoption of the
2.18 new building codes to advance construction methods, technology, or materials, or, where
2.19 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency
2.20 or the use of a building.

2.21 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model
2.22 residential energy code and the new model commercial energy code in accordance with
2.23 federal law for which the United States Department of Energy has issued an affirmative
2.24 determination in compliance with United States Code, title 42, section 6833. The
2.25 commissioner may adopt amendments prior to adoption of the new energy codes, as amended
2.26 for use in Minnesota, to advance construction methods, technology, or materials, or, where
2.27 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency
2.28 or use of a building.

2.29 (e) The commissioner shall consult with, and follow the recommendations of, the state
2.30 fire marshal for adopting rules related to fire protection features.

2.31 Sec. 3. Minnesota Statutes 2018, section 326B.106, subdivision 3, is amended to read:

2.32 Subd. 3. **Enforcement by certain bodies.** Under the direction and supervision of the
2.33 commissioner, the provisions of the code relating to electrical installations, plumbing,
2.34 boilers, high pressure steam piping and appurtenances, and ammonia refrigeration piping

3.1 shall be enforced by the Department of Labor and Industry. Fees for inspections conducted
3.2 by the commissioner shall be paid in accordance with the rules of the department. ~~Under~~
3.3 ~~direction of the commissioner of public safety, the state fire marshal shall enforce the State~~
3.4 ~~Fire Code as provided in chapter 299F.~~ The commissioner shall adopt amendments to the
3.5 mechanical code portion of the State Building Code to implement standards for process
3.6 piping.

3.7 Sec. 4. Minnesota Statutes 2018, section 326B.106, is amended by adding a subdivision
3.8 to read:

3.9 Subd. 3a. **Enforcement; state fire marshal.** The provisions of the code related to plan
3.10 review and inspection of fire protection systems shall be enforced by the state fire marshal
3.11 pursuant to chapter 299M. Permit fees for fire sprinkler installation shall be deducted from
3.12 the cost of permits paid to the commissioner. The permit fees shall be paid to the state fire
3.13 marshal or municipalities in accordance with sections 299M.04 and 299M.07.