

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

**S.F. No. 218**

(SENATE AUTHORS: DRAHEIM and Dornink)

DATE  
01/12/2023

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Introduction and first reading  
Referred to Labor

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to the State Building Code; prohibiting adoption of building codes without

1.3 prior legislative approval; placing a moratorium on adoption of new or amended

1.4 building codes; requiring energy code changes to be offset by savings; clarifying

1.5 building code inspection requirements; amending Minnesota Statutes 2022, sections

1.6 326B.106, subdivision 1; 326B.121, by adding a subdivision.

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

1.8 Section 1. Minnesota Statutes 2022, section 326B.106, subdivision 1, is amended to read:

1.9 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections

1.10 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the

1.11 Construction Codes Advisory Council establish a code of standards for the construction,

1.12 reconstruction, alteration, and repair of buildings, governing matters of structural materials,

1.13 design and construction, fire protection, health, sanitation, and safety, including design and

1.14 construction standards regarding heat loss control, illumination, and climate control. The

1.15 code must also include duties and responsibilities for code administration, including

1.16 procedures for administrative action, penalties, and suspension and revocation of certification.

1.17 The code must conform insofar as practicable to model building codes generally accepted

1.18 and in use throughout the United States, including a code for building conservation. In the

1.19 preparation of the code, consideration must be given to the existing statewide specialty

1.20 codes presently in use in the state. Model codes with necessary modifications and statewide

1.21 specialty codes may be adopted by reference. The code must be based on the application

1.22 of scientific principles, approved tests, and professional judgment. To the extent possible,

1.23 the code must be adopted in terms of desired results instead of the means of achieving those

1.24 results, avoiding wherever possible the incorporation of specifications of particular methods

2.1 or materials. To that end the code must encourage the use of new methods and new materials.  
2.2 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall  
2.3 administer and enforce the provisions of those sections.

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

2.9 (c) ~~Beginning with the 2018 edition of the model building codes and in 2026 and every~~  
2.10 ~~six years thereafter, the commissioner shall review the new model building codes and adopt~~  
2.11 ~~the model codes as amended for use in Minnesota, within two years of the published edition~~  
2.12 ~~date. The commissioner may not adopt new model building codes or amendments to the~~  
2.13 ~~building codes prior to the adoption of the new building codes to advance construction~~  
2.14 ~~methods, technology, or materials, or, where necessary to protect the health, safety, and~~  
2.15 ~~welfare of the public, or to improve the efficiency or the use of a building 2026, unless~~  
2.16 approved by law.

2.17 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model  
2.18 residential energy code and the new model commercial energy code in accordance with  
2.19 federal law for which the United States Department of Energy has issued an affirmative  
2.20 determination in compliance with United States Code, title 42, section 6833. The  
2.21 commissioner may not adopt new energy codes or amendments prior to adoption of to the  
2.22 new energy codes, as amended for use in Minnesota, to advance construction methods,  
2.23 technology, or materials, or, where necessary to protect the health, safety, and welfare of  
2.24 the public, or to improve the efficiency or use of a building unless the commissioner has  
2.25 determined that any increased cost to residential construction or remodeling per unit due to  
2.26 implementation of the proposed changes to the energy codes will be offset within five years  
2.27 by savings resulting from the change.

2.28 (e) The limitations on adoption of new or amended codes under paragraphs (c) and (d)  
2.29 do not apply to new or amended code changes necessary to protect the immediate health,  
2.30 safety, and welfare of the public.

2.31 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2020, and  
2.32 applies to rules proposed or adopted but not yet effective as of January 1, 2020.

3.1 Sec. 2. Minnesota Statutes 2022, section 326B.121, is amended by adding a subdivision  
3.2 to read:

3.3 Subd. 4. **Single inspection only.** A municipality is prohibited from requiring an additional  
3.4 inspection for a particular area of building code competency when a project has been  
3.5 approved for that area of competency by either a certified building official, building  
3.6 official-limited, or construction code inspector.