

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 723

(SENATE AUTHORS: KOENEN)

DATE	D-PG	OFFICIAL STATUS
02/12/2015	263	Introduction and first reading Referred to Judiciary

A bill for an act

1.1 relating to public safety; modifying authority for the State Fire Code; modifying
 1.2 fire protection features; amending Minnesota Statutes 2014, sections 299F.011,
 1.3 by adding a subdivision; 326B.103, by adding a subdivision; 326B.106,
 1.4 subdivisions 1, 3, 4, by adding a subdivision; repealing Minnesota Statutes 2014,
 1.5 section 326B.02, subdivision 6.
 1.6

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

1.8 Section 1. Minnesota Statutes 2014, section 299F.011, is amended by adding a
 1.9 subdivision to read:

1.10 Subd. 1a. **Authority.** The commissioner of public safety through the Division of Fire
 1.11 Marshal may promulgate a State Fire Code and make amendments thereto in accordance
 1.12 with the Administrative Procedure Act in chapter 14. The code and its amendments shall
 1.13 conform insofar as practicable to model fire codes generally accepted and in use throughout
 1.14 the United States, with consideration given to existing statewide specialty codes presently
 1.15 in use in the state of Minnesota. Statewide specialty codes and model codes with necessary
 1.16 modifications may be adopted by reference in accordance with section 14.07, subdivision 4.

1.17 Sec. 2. Minnesota Statutes 2014, section 326B.103, is amended by adding a
 1.18 subdivision to read:

1.19 Subd. 7a. **Fire protection feature.** "Fire protection feature" means required fire
 1.20 separation walls, adequacy of fire safety, protection of egress components, elevator fire
 1.21 service features, fire sprinkler systems, fire standpipe systems, fire extinguishing systems,
 1.22 and fire alarm systems.

1.23 Sec. 3. Minnesota Statutes 2014, section 326B.106, subdivision 1, is amended to read:

2.1 Subdivision 1. **Adoption of code.** Subject to sections 326B.101 to 326B.194, the
2.2 commissioner shall by rule and in consultation with the Construction Codes Advisory
2.3 Council establish a code of standards for the construction, reconstruction, alteration, and
2.4 repair of buildings, governing matters of structural materials, design and construction,
2.5 ~~fire protection~~, health, sanitation, and safety, including design and construction standards
2.6 regarding heat loss control, illumination, and climate control. The code must also include
2.7 duties and responsibilities for code administration, including procedures for administrative
2.8 action, penalties, and suspension and revocation of certification. The code must conform
2.9 insofar as practicable to model building codes generally accepted and in use throughout
2.10 the United States, including a code for building conservation. In the preparation of the
2.11 code, consideration must be given to the existing statewide specialty codes presently in
2.12 use in the state. Model codes with necessary modifications and statewide specialty codes
2.13 may be adopted by reference. The code must be based on the application of scientific
2.14 principles, approved tests, and professional judgment. To the extent possible, the code
2.15 must be adopted in terms of desired results instead of the means of achieving those results,
2.16 avoiding wherever possible the incorporation of specifications of particular methods or
2.17 materials. To that end the code must encourage the use of new methods and new materials.
2.18 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall
2.19 administer and enforce the provisions of those sections.

2.20 The commissioner shall develop rules addressing the plan review fee assessed
2.21 to similar buildings without significant modifications including provisions for use of
2.22 building systems as specified in the industrial/modular program specified in section
2.23 326B.194. Additional plan review fees associated with similar plans must be based on
2.24 costs commensurate with the direct and indirect costs of the service.

2.25 The commissioner shall consult with, and follow the recommendations of, the state
2.26 fire marshal for adopting rules related to fire protection features.

2.27 Sec. 4. Minnesota Statutes 2014, section 326B.106, subdivision 3, is amended to read:

2.28 Subd. 3. **Enforcement by certain bodies.** Under the direction and supervision of
2.29 the commissioner, the provisions of the code relating to electrical installations, plumbing,
2.30 boilers, high pressure steam piping and appurtenances, and ammonia refrigeration piping
2.31 shall be enforced by the Department of Labor and Industry. Fees for inspections conducted
2.32 by the commissioner shall be paid in accordance with the rules of the department. ~~Under~~
2.33 ~~direction of the commissioner of public safety, the state fire marshal shall enforce the~~
2.34 ~~State Fire Code as provided in chapter 299F.~~ The commissioner shall adopt amendments

3.1 to the mechanical code portion of the State Building Code to implement standards for
3.2 process piping.

3.3 Sec. 5. Minnesota Statutes 2014, section 326B.106, is amended by adding a
3.4 subdivision to read:

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

3.10 Sec. 6. Minnesota Statutes 2014, section 326B.106, subdivision 4, is amended to read:

3.11 Subd. 4. **Special requirements.** (a) **Space for commuter vans.** The code must
3.12 require that any parking ramp or other parking facility constructed in accordance with the
3.13 code include an appropriate number of spaces suitable for the parking of motor vehicles
3.14 having a capacity of seven to 16 persons and which are principally used to provide
3.15 prearranged commuter transportation of employees to or from their place of employment
3.16 or to or from a transit stop authorized by a local transit authority.

3.17 (b) **Smoke detection devices.** The code must require that all dwellings, lodging
3.18 houses, apartment houses, and hotels as defined in section 299F.362 comply with the
3.19 provisions of section 299F.362.

3.20 (c) **Doors in nursing homes and hospitals.** The State Building Code may not
3.21 require that each door entering a sleeping or patient's room from a corridor in a nursing
3.22 home or hospital with an approved complete standard automatic fire extinguishing system
3.23 be constructed or maintained as self-closing or automatically closing.

3.24 (d) **Child care facilities in churches; ground level exit.** A licensed day care center
3.25 serving fewer than 30 preschool age persons and which is located in a belowground space
3.26 in a church building is exempt from the State Building Code requirement for a ground
3.27 level exit when the center has more than two stairways to the ground level and its exit.

3.28 (e) **Family and group family day care.** Until the legislature enacts legislation
3.29 specifying appropriate standards, the definition of dwellings constructed in accordance
3.30 with the International Residential Code as adopted as part of the State Building Code
3.31 applies to family and group family day care homes licensed by the Department of Human
3.32 Services under Minnesota Rules, chapter 9502.

4.1 (f) **Enclosed stairways.** No provision of the code or any appendix chapter of the
4.2 code may require stairways of existing multiple dwelling buildings of two stories or
4.3 less to be enclosed.

4.4 (g) **Double cylinder dead bolt locks.** No provision of the code or appendix chapter
4.5 of the code may prohibit double cylinder dead bolt locks in existing single-family homes,
4.6 townhouses, and first floor duplexes used exclusively as a residential dwelling. Any
4.7 recommendation or promotion of double cylinder dead bolt locks must include a warning
4.8 about their potential fire danger and procedures to minimize the danger.

4.9 (h) **Relocated residential buildings.** A residential building relocated within or
4.10 into a political subdivision of the state need not comply with the State Energy Code or
4.11 section 326B.439 provided that, where available, an energy audit is conducted on the
4.12 relocated building.

4.13 (i) **Automatic garage door opening systems.** The code must require all residential
4.14 buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82
4.15 and 325F.83.

4.16 (j) **Exit sign illumination.** For a new building on which construction is begun
4.17 on or after October 1, 1993, or an existing building on which remodeling affecting 50
4.18 percent or more of the enclosed space is begun on or after October 1, 1993, the code must
4.19 prohibit the use of internally illuminated exit signs whose electrical consumption during
4.20 nonemergency operation exceeds 20 watts of resistive power. All other requirements in
4.21 the code for exit signs must be complied with.

4.22 (k) **Exterior wood decks, patios, and balconies.** The code must permit the decking
4.23 surface and upper portions of exterior wood decks, patios, and balconies to be constructed
4.24 of (1) heartwood from species of wood having natural resistance to decay or termites,
4.25 including redwood and cedars, (2) grades of lumber which contain sapwood from species
4.26 of wood having natural resistance to decay or termites, including redwood and cedars, or
4.27 (3) treated wood. The species and grades of wood products used to construct the decking
4.28 surface and upper portions of exterior decks, patios, and balconies must be made available
4.29 to the building official on request before final construction approval.

4.30 (l) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may
4.31 be imposed by municipalities under the State Building Code, except as required under
4.32 section 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section
4.33 326B.92 administered by the Department of Labor and Industry. All data regarding the
4.34 material production processes, including the bioprocess system's structural design and
4.35 layout, are nonpublic data as provided by section 13.7911.

5.1 (m) **Use of ungraded lumber.** The code must allow the use of ungraded lumber in
5.2 geographic areas of the state where the code did not generally apply as of April 1, 2008, to
5.3 the same extent that ungraded lumber could be used in that area before April 1, 2008.

5.4 (n) **Window cleaning safety.** The code must require the installation of dedicated
5.5 anchorages for the purpose of suspended window cleaning on (1) new buildings four
5.6 stories or greater; and (2) buildings four stories or greater, only on those areas undergoing
5.7 reconstruction, alteration, or repair that includes the exposure of primary structural
5.8 components of the roof.

5.9 (o) **Existing school buildings.** Existing school buildings undergoing remodeling,
5.10 renovation, alterations, or additions need not meet the height and area requirements of
5.11 the building code based on the type of construction when such buildings are protected
5.12 throughout with an automatic fire sprinkler system.

5.13 The commissioner may waive all or a portion of the requirements of this paragraph
5.14 related to reconstruction, alteration, or repair, if the installation of dedicated anchorages
5.15 would not result in significant safety improvements due to limits on the size of the project,
5.16 or other factors as determined by the commissioner.

5.17 **Sec. 7. REVISOR'S INSTRUCTION.**

5.18 The revisor of statutes shall replace references to Minnesota Statutes, section
5.19 326B.02, subdivision 5 or 6, to Minnesota Statutes, section 299F.011, subdivision 1a,
5.20 wherever it appears in statute.

5.21 **Sec. 8. REPEALER.**

5.22 Minnesota Statutes 2014, section 326B.02, subdivision 6, is repealed.

APPENDIX
Repealed Minnesota Statutes: 15-1666

326B.02 POWERS.

Subd. 6. **State Fire Code rulemaking authority.** The commissioner of labor and industry, consistent with the recommendations of the state fire marshal, shall adopt a State Fire Code and make amendments thereto in accordance with the Administrative Procedure Act in chapter 14. The code and its amendments shall conform insofar as practicable to model fire codes generally accepted and in use throughout the United States, with consideration given to existing statewide specialty codes presently in use in the state of Minnesota. Statewide specialty codes and model codes with necessary modifications may be adopted by reference in accordance with section 14.07, subdivision 4.